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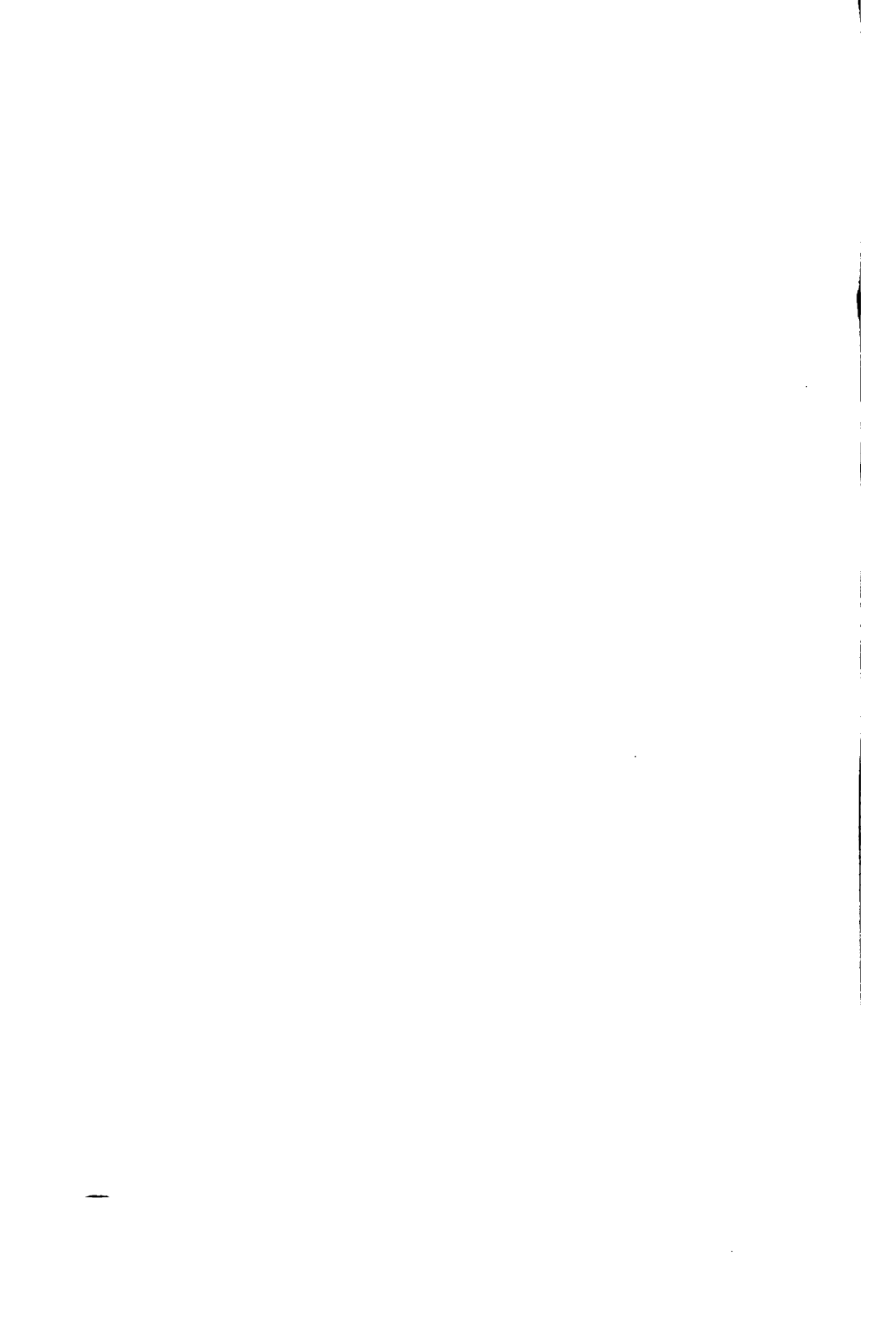
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ACTS

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VRABELL GROTTHATS

AN ACT TO RAISE SUPPLIES FOR THE YEAR COMMENCING IN OCTOBER, ONE
THOUSAND EIGHT HUNDRED AND FORTY-THREE.

A. D. 1843.

No. 2884.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That a tax for the sums, and in the manner hereinafter mentioned, shall be raised and paid into the public Treasury of this State, for the use and service thereof, that is to say : thirty cents ad valorem on every hundred dollars of the value of all lands granted in this State, according to the existing classification heretofore established ; one half cent per acre on all Land lying within the Catawba Indian boundary, to be paid by each grantee or lessee of said Indian lands, until otherwise directed by law ; fifty-five cents per head on all Slaves ; two dollars on each Free Negro, Mulatto and Mustizoe, between the ages of fifteen and fifty years, except such as shall be clearly proved, to the satisfaction of the Collector, to be incapable, from maims, or otherwise, of providing a livelihood ; twenty-five cents ad valorem on every hundred dollars of the value of all lots, lands and buildings, within any city, town, village or borough, including all lots or portions of land on which buildings may be erected, in the immediate vicinity of any city, town, village or borough in this State ; sixty cents per hundred dollars on factorage, employments, faculties and professions, (whether in the profession of law, the profits be derived from costs of suit, fees, or other sources of professional income,) and on the amount of commissions received by Vendue Masters and Commission Merchants ; (Clergymen, Schoolmasters, Schoolmistresses, and Mechanics excepted ;) fifty-five cents upon every hundred dollars worth of goods, wares and merchandize, embracing all articles of trade for sale, barter or exchange, (the products of this State, and the unmanufactured products of any of the United States, or Territories thereof, excepted,) which any person shall use or employ, as articles of trade, sale, barter or exchange, or have in his, her or their possession, on the first day of January, in the year of our Lord one thousand eight hundred and forty-four, either on his, her or their own capital, or borrowed capital, or on account of any person or persons, as agent, attorney or consignee ; fifty-five cents upon every hundred dollars worth of goods, wares or merchandize whatever, which any transient person, not resident in this State, shall sell, or expose for sale, in any house, stall or public place ; two thousand dollars for the privilege of opening or keeping any office for the sale of lottery tickets, or for the privilege of selling, or offering for sale, any lottery ticket in any other lottery than such as may be authorized by the laws of this State ; ten dollars per day for representing publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or for exhibiting wax figures or shows of any kind whatsoever, to be paid into the hands of the Clerks of the Courts, respectively, who shall be bound to pay the same into the public Treasury.

Tax on Lands :

Slaves :
Free Negroes :

Lots :

Factorage,
Employments,
etc.

Merchandize :

Ditto, of trans-
ient persons :Lottery
Tickets :Plays, Shows,
etc.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843. AN ACT PRESCRIBING THE DUTIES OF CERTAIN OFFICERS IN THE COLLECTION
 OF SUPPLIES, THE PAYMENT OF SALARIES, AND FOR OTHER PURPOSES.
 No. 2885.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all taxes for the use and service of this State, shall be paid in specie, paper medium, or the notes of the specie-paying Banks of this State, and shall be ascertained and rated by the Assessors and Collectors throughout the State, respectively, according to the best of their knowledge and information.

II. The Tax Collectors of this State are authorized and required to issue Executions against all such free negroes, mulattoes and mustizoes, as shall neglect or refuse to pay the tax imposed by law, directed to the Sheriffs of this State, requiring them to sell, for a term not exceeding one year, the service of such free negroes, mulattoes or mustizoes, to meet the payment of the tax imposed: *Provided*, That the Sheriff shall not sell the service of any such person for a longer term than shall be necessary to pay the taxes due and costs.

III. If any person shall represent publicly, for gain and reward, any play, comedy, tragedy, interlude or farce, or other employment of the stage, or any part therein, or shall exhibit wax figures, or shows of any kind whatsoever, without having paid the tax required by law to be paid to the Clerks of the Courts respectively, before such representation or exhibition, i. shall be the duty of the Clerk of the Court or of any Magistrate for the District where the same may be done, to issue an Execution for double the amount of tax so imposed, which Execution may be directed to any Sheriff or Constable of this State, and against the body or goods of the person so being liable, and which may be levied in any District in the State; and every Magistrate who shall so issue Execution, shall cause the amount of the same to be paid to the Clerk of the Court for his District; and the Clerks of Courts shall pay annually into the Public Treasury all such taxes as may come into their hands respectively: *Provided*, that nothing herein contained shall be construed to extend to any incorporated town, village or city.

IV. No person shall open or keep any office for the sale of Lottery Tickets, or sell or offer for sale any lottery ticket, in any other Lottery than such as may be authorized by the laws of this State, without having paid a tax of two thousand dollars, to the Tax Collector of the Parish or District, for such privilege; and if any person shall so offend, on conviction thereof, by indictment, such person shall forfeit and pay to the State, ten thousand dollars, and it shall be the duty of such Tax Collector to prosecute the offender.

V. If any transient person, not resident in the State, shall at any time sell or expose for sale, any goods, wares or merchandize whatever, in any house, stall or public place, after the first day of January in every year, such person shall make return on oath within twenty-four hours after commencing to sell as aforesaid, of the whole amount of stock in trade, which he may have possessed at the time, to the Tax Collector of the District or Parish in which the same may be done; and if such person shall neglect or refuse to make such return within the time prescribed above, he shall, on conviction thereof, before any Court of competent jurisdiction, forfeit and pay to the State a sum not exceeding ten thousand dollars, unless such person shall have procured and paid for a license according to the provisions of an Act entitled "An Act

Taxes to be paid in specie, &c.

Free negroes, &c.

Players, Showmen, &c.

Lottery Tickets

Transient Persons.

Fine on Defaulters.

to increase the price of licenses to Hawkers and Pedlers." And it shall be the duty of such Tax Collector, to proceed to collect from any such person so selling as aforesaid, the tax required by law to be paid, within one day after receiving such return. A. D. 1843.
Tax to be collected in one day.

VI. It shall be the duty of each Tax Collector to require a return to be made on oath, by each person liable to the payment of taxes for the use and service of this State, for his or her taxable property, as provided by law, and for each case of failure or neglect therein, such Tax Collector shall be liable to a penalty of two hundred dollars, to be recovered by indictment in any Court of competent jurisdiction, one half of which shall be paid into the Treasury for the use of the State, and the remainder to the person who shall give information of such neglect, and shall prosecute for the same. Returns to be made on oath.
Penalty, &c.

VII. It shall be the duty of the Tax Collector of each District and Parish, to give public notice of the day he intends to close his books. Notice of closing Books.

VIII. If any Tax Collector shall receive from any person, his or her taxes, and neglect to give credit for the same on his books, and shall issue an execution, and thereby cause the said person to pay a double tax, and costs, the said Tax Collector shall be liable to pay to the said person so aggrieved, three times the amount of the taxes first paid, with costs accruing, recoverable before any Court of competent jurisdiction. Liability for not giving credit.

IX. If any Tax Collector shall neglect or refuse to make his return, and pay the taxes within the time specified by law, which shall have been received by him, it shall be the duty of the Treasurer within whose Division such default has been made, in addition to the coercive power which he may now possess, to charge the said Tax Collector with interest, at the rate of five per cent. per month, from the time he ought to have made such return, and paid the taxes, to the time of settlement. Defaulting Collectors to pay 5 pr. ct. pr month.

X. It shall be the duty of any Sheriff or Coroner, in whose hands the tax Executions shall be placed by the Tax Collectors respectively, to collect and pay over the amount for which such executions shall issue, to the Treasurer within whose Division he may reside, within six months from the time he may receive the same; and in default thereof, it shall be the duty of the Treasurer to issue execution against such Sheriff or Coroner, for the whole amount expressed in such execution, with interest thereon, at the rate of five per cent. per month, from the time he should have paid the same: *Provided*, That Sheriffs and Coroners be allowed credit for *nulla bona* executions, as heretofore. Treasurer to issue executions against defaulting Sheriffs and Coroners.

XI. The Treasurer of each Division is hereby authorized and required, to pay quarterly, at the end of each quarter, all appropriations made for and on account of any Officer of this State, except officers of each branch of the Legislature, who shall be paid by the Treasurer of the Upper Division, at the end of each Session of the Legislature; and except the pay bills of the Members of each branch of the Legislature, and of the Attorney General and Solicitors in attendance, which shall be paid on presentment at either of the Treasuries, and except the officers of the South-Carolina College, who shall be paid as heretofore, under their contract with the Board of Trustees, quarterly in advance; and it shall be the duty of either of the Treasurers of each Division, whenever payment shall be made, to take a duplicate receipt, and forward the same to the Comptroller General, with his monthly report. Salaries, how paid, &c.

A. D. 1843.

Information to be given of the transfer or sale of taxable property.

XII. Every taxable inhabitant of this State, who shall have since the first day of October, in the year of our Lord one thousand eight hundred and forty-two, and prior to the first day of October last, sold or transferred, or who shall after the first day of October in any year, and prior to the first day of October next succeeding, sell or transfer the possession of any real or personal property liable to tax, (except stock in trade,) shall give information at the time of making his next return, of such sale or transfer, and the name of the person to whom sold or transferred, to the Tax Collector of the District or Parish in which he or she may reside, to the end that the Tax Collector may be better enabled to collect the dues thereon; and if after the first day of October next, or of any year thereafter, and before the taxes are collected, any taxable property shall be removed from the State, the property of the owner which may remain, shall be liable for the payment of the taxes on that which has been carried out of the State.

Returns, when made, by Citizens and Collectors.

XIII. All persons liable to pay taxes in the Parishes of St. Philip and St. Michael, shall annually, on or before the last day of January, make the return now required by law, and shall also annually, on or before the first day of May, pay to the Tax Collector the taxes imposed by law; and the said Tax Collector shall make return to the Treasurer in manner prescribed by law, on the first Monday of each month, after he shall have commenced collecting taxes, until the first Monday of July of each year, on which day he shall finally close his return and pay over the balance to the Treasurer, in the mode prescribed by law: all persons liable to pay taxes in other collection Districts, shall make the returns required by law, on or before the first day of April annually; and the Tax Collectors of those Districts shall annually make their returns and settlements with the Treasury on or before the first Monday of June.

Absentees double taxed.

XIV. Every person entitled to any taxable property or estate in this State, who resides without the limits of the United States, shall pay for the use of the State a double tax on the same; but this clause shall not be construed to extend to any person sent or hereafter sent abroad in the service of this State, or of the United States, until one year after the expiration of his commission.

Taxes to constitute liens on property, in preference of other liens.

XV. The taxes which may be imposed at the present Session of the General Assembly, or which may hereafter be imposed by any Tax Act, on any lands, slaves, or other goods and chattels, shall respectively, constitute specific liens on the said lands, slaves, goods and chattels, for one year from the time when the liability for the said Taxes attaches upon the owner or proprietor thereof; and that the said lands, slaves, goods and chattels, may be levied on within the period aforesaid, and sold, for satisfaction respectively, of such taxes, notwithstanding any alienation of the same by the owner or proprietor thereof, subsequently to the time when the liability for the said taxes attached upon the said owner or proprietor; and that the proceeds of sale of such lands, slaves, goods and chattels, shall be applied to the payment of such taxes thereon, respectively, prior to and in preference of all judgments, mortgages, pledges, debts, or other liens on the same; but nothing herein contained shall be construed to affect or impair the ordinary general lien of executions for taxes, duly lodged in the office of any Sheriff.

Collectors to collect sums legally assessed by Boards of Commissioners

XVI. That it shall be the duty of the Tax Collectors of the several Districts and Parishes, respectively, to collect all sums of money assessed by any of the Boards of Commissioners of the said Districts and Parishes, who are, or hereafter may be authorized by law to assess and levy moneys for the fur-

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therance and execution of the purposes for which such Boards respectively, have been or may hereafter be established and appointed, which sums of money so assessed, shall be collected in the same manner, and the Tax Collectors, respectively, shall have the same power and authority to enforce the payment thereof, and have a right for that purpose to use the same compulsory means and process as are authorized by law, for the collection of the general tax; but no execution for any such assessment shall be issued by any Tax Collector, against the person or property of any person non-resident in the District or Parish wherein such assessment is made, until written notice of such assessment, and of the amount thereof, shall have been given to such person, or his or her agent, by a personal service of such notice on such person, or his or her agent, or by leaving the same at his or her place of residence; and if such person have no known place of residence, or agent within the State, then such notice shall be posted on the door of the Court House of the District, wherein such assessment has been made: *Provided, always,* That it shall be the duty of the said Boards of Commissioners, respectively, to furnish to the Tax Collector a notice in writing of the assessment to be collected by him, specifying the amount to be paid by each person liable therefor, or the rate per centum of the last general Tax, which is to be collected by him; and the Tax Collector of the Parishes of St. Philip and St. Michael, shall also be furnished by the several Boards of Commissioners of the Poor, Commissioners of Roads, and Commissioners of Cross Roads, for Charleston Neck, with a list of all the persons liable to the payment of any assessment made by them respectively, and of the amounts respectively, for which each person is liable; and the said Tax Collectors, respectively, shall receive as a compensation for collecting such assessments, the same per centage which is allowed by law for the collection of the General Tax, and they shall make returns to the said Boards of Commissioners respectively, of their collection of any such assessment, and shall pay over the amount of moneys collected by them to the said Board of Commissioners, respectively, within three months after the day on which notice of such assessment shall have been given to them, respectively, as aforesaid, by any of the said Boards of Commissioners; but when any such assessment is made between the first day of January and the first day of March in any year, then such return may be made at any time before the first day of June, then next ensuing. And if any Tax Collector shall make default in collecting any such assessment, or in making return thereof, or in paying over the money collected to any Board of Commissioners, he shall be liable to the said Board of Commissioners, in the same manner and to the same extent, and be subject to the same remedies, as he is by law liable to for a similar default in the collection, return or payment of the General Tax.

Notice to non-residents.

Said Boards to furnish statements.

Compensation, Returns, &c.

Defaulting Collectors.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843. AN ACT TO MAKE APPROPRIATIONS FOR THE YEAR COMMENCING IN OCTOBER, ONE THOUSAND EIGHT HUNDRED AND FORTY-THREE.
 No. 2886.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the following sums be and they are hereby appropriated, for the payment of the various officers and expenses of the State Government, that is to say :

Executive Department.

IN THE EXECUTIVE DEPARTMENT : For the salary of the Governor, three thousand five hundred dollars ; for the private Secretary of the Governor, five hundred dollars ; for the Messenger of the Governor, two hundred and fifty dollars ; for the contingent fund of the Executive Department, seven thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him, to the Legislature ; for the rent of the Governor's house, in Columbia, three hundred dollars.

Legislative Department.

II. IN THE LEGISLATIVE DEPARTMENT : For the pay of the Members of the Legislature, and the Solicitors and Attorney General, during the present Session, eighteen thousand dollars, if so much be necessary ; for the salaries of the Clerks of the Senate and House of Representatives, one thousand dollars each ; and to the said Clerks, for the services of two assistant Clerks, two hundred and fifty dollars for the Clerk of the House, and two hundred dollars for the Clerk of the Senate, to be paid at the adjournment of the Legislature ; for the salaries of two Messengers, and two Door Keepers, each two hundred and fifty dollars, to be paid at the adjournment of the Legislature ; for the salary of the Keeper of the State House and Librarian, seven hundred dollars ; for the salaries of the Reading Clerks of the Senate and House of Representatives, each two hundred and fifty dollars, to be paid at the end of the Session ; for the services of Engrossing Clerks, to be paid under the direction of the Speaker of the House, and President of the Senate, one hundred dollars ; for the Printer to the Senate and House of Representatives, in pursuance of the contract made by the Committee of both Houses, four thousand dollars, if so much be necessary, for the Printing executed by the said Printer, during the present Session of the Legislature, the same to be paid to him as soon as the amount on the said contract, shall be ascertained by the Treasurer of the Upper Division ; for the same Printer, for Printing in pamphlet form, the Acts, Journals of both Houses, Reports and Resolutions agreed to, the Governor's Message, Reports of the President of the Bank and Comptroller General, with the usual accompanying documents, two thousand dollars if so much be necessary : *Provided*, That the number of copies specified in the proposals of the Printer, as accepted by the Legislature, shall be printed and deposited in the office of the Treasurer of the Upper Division, at Columbia, before the twentieth day of February next ; and the amount to be paid, according to the proposals, shall be ascertained by the Treasurer aforesaid ; for Benjamin Hart, for contingent expenses, during the present Session of the Legislature, six hundred dollars, if so much be necessary, to be accounted for by him at the Treasury, and reported by the Treasurer to the General Assembly ; for stationary, fuel, distributing Acts, expenses for Election Returns, fourteen hundred dollars, if so much be necessary.

Judiciary Department.

III. IN THE JUDICIARY DEPARTMENT : For the salaries of two Judges, three thousand five hundred dollars, each ; for the salaries of eight Judges, three thousand dollars, each ; for the salary of the Attorney General,

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eleven hundred dollars; for the salaries of five solicitors, nine hundred dollars, each; for the salary of the Clerk of the Court of Appeals in Columbia, six hundred dollars, to be paid quarterly, by the Treasurer of the Upper Division; for the salary of a Messenger of the same Court, at Columbia, two hundred and fifty dollars; for the salary of a Librarian of the Court of Appeals, in Columbia, two hundred dollars; the same to include the expenses of fuel; the salary of the said Librarian and Messenger, hereafter to be paid quarterly, in the same manner as other officers; for fire wood and fuel for the Court of Appeals at Columbia, fifty dollars, if so much be necessary, to be drawn by the Clerk of the said Court, and expended under the direction of the Judges; for the salary of the Clerk of the Court of Appeals in Charleston, six hundred dollars; for the salary of the Messenger of the same Court in Charleston, two hundred and fifty dollars; for the salary of a Librarian of the Court of Appeals in Charleston, two hundred dollars, the same to include expenses of fuel; the salaries of the said Clerk, Messenger and Librarian to be paid to them quarterly by the Treasurer of the Lower Division, in the same manner as other officers; for fire wood and fuel for the Court of Appeals at Charleston, fifty dollars, if so much be necessary, to be drawn by the Clerk of the said Court, and expended under the direction of the Judges; for the purchase of Books for the Library of the Court of Appeals at Charleston, two hundred dollars; for the salary of the State Reporter, fifteen hundred dollars, of which sum, not more than one half shall be paid, unless the Reporter shall print and publish such decisions of the Courts of Appeals and Errors which shall be made during the term of his office, as the Judges may direct, as well as such others as he may deem important to be published, within as short a time after the delivery of the said decisions as practicable, so that the publication of the Law Cases shall not be delayed beyond six months, and of the Equity cases, not beyond twelve months, from the termination of the May sitting of the Courts of Appeals and of Errors; and it shall be the duty of the said Reporter to attend in person, or by deputy, the sittings of the Courts of Appeals and Errors in Columbia and Charleston, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Courts; for the pay of Jurors and Constables, twenty-two thousand dollars, if so much be necessary; for compensation to A. Herbemont, for performing the additional duties of the office of Clerk of the Court of Appeals, under the organization of the Court of Appeals by the Act of 1842, six hundred dollars.

IV. IN THE TREASURY DEPARTMENT: For the salary of the Comptroller General, two thousand dollars; for the salary of the Clerk of the Comptroller General, seven hundred and fifty dollars; the said Clerk to be appointed and removable at the pleasure of the Comptroller General; for the salary of the Treasurer of the Lower Division, and for transacting the business of the Loan Office, and for Clerk's hire, two thousand dollars; for the salary of the Treasurer of the Upper Division, including Clerk's hire, sixteen hundred dollars; for the Assessor of St. Philip's and St. Michael's, for making out and affixing the assessments of each return, eight hundred dollars.

V. FOR THE SOUTH-CAROLINA COLLEGE: For the salary of the President of the College, three thousand dollars; for the salary of six Professors in the College, two thousand five hundred dollars each; for the salary of the Treasurer of the College, five hundred dollars; for the salary of the Librarian of the College, six hundred dollars; for the salary of the Secretary of the Board

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of Trustees, two hundred dollars; for the salary of the Marshal, four hundred dollars; the salaries of the said President, Professors, Treasurer and Librarian, to be paid by the Treasurer of the Upper Division, quarterly in advance, their drafts being countersigned by the Treasurer of the College; for the expenses of two students in the College, sent by the Orphan House in Charleston, each four hundred dollars, if so much be necessary, to be paid to the order of the Chairman of the Board of Commissioners of said Orphan House, for the use of each student; for the purchase of Books for the College Library, two thousand dollars, to be paid to the draft of the President of the College, countersigned by the Treasurer of the same.

Ordinary Civil
expenses.

VI. FOR THE ORDINARY CIVIL EXPENSES: For the payment of Contingent Accounts of the Upper Division, seventeen thousand four hundred dollars, if so much be necessary; for the payment of the Contingent Accounts of the Lower Division, thirteen thousand dollars, if so much be necessary; for the payment of Pensions and Annuities, five thousand one hundred dollars, if so much be necessary; for the payment of such claims as shall be admitted by the Legislature at its present Session, six thousand dollars, if so much be necessary; for the payment of such Medical Accounts as shall be admitted by the Legislature at its present Session, five hundred dollars, if so much be necessary; for the support of Free Schools, thirty-seven thousand five hundred dollars, if so much be necessary; for the salary of the Superintendent of Public Works, fifteen hundred dollars; for the education of the Deaf and Dumb, under the existing law of eighteen hundred and thirty-four, and of the Blind, under the Resolution adopted at the Session of the Legislature, Anno Domini, one thousand eight hundred and forty-one, two thousand five hundred dollars, if so much be necessary; for refunding taxes, and paying for stock certificates and interest, as directed by Reports of the Committee of Ways and Means, or of Finance, and agreed to by the Legislature, five hundred dollars, if so much be necessary; for interest on the three per cent. and Randolph Stock, six thousand four hundred dollars.

Military Ex-
penditures.

VII. FOR MILITARY EXPENDITURES: For the salaries of the following officers, viz: Adjutant and Inspector General, two thousand five hundred dollars; Quarter Master General, five hundred dollars; Arsenal Keeper in Charleston, one thousand dollars; Arsenal Keeper and Powder Receiver in Columbia, at the rate of four hundred dollars per annum; Physician of the Jail and Magazine Guard, at Charleston, five hundred dollars; for the support of the Arsenal and Magazine Guard at Charleston, sixteen thousand dollars, if so much be necessary; for the support of the Arsenal and Magazine Guard at Columbia, eight thousand dollars, if so much be necessary; and the Arsenal and Magazine Guards shall be under the direction of the Governor, so as that their support shall not exceed the said appropriations respectively; for repairing arms, and for Arsenal purposes, in Charleston and Columbia, under the Act of eighteen hundred and thirty-three, two thousand dollars, if so much be necessary; for the Military Accounts, as agreed to by both branches of the Legislature, six hundred dollars, if so much be necessary; for Military contingencies, five thousand dollars, to be drawn by the Governor, and accounted for by him to the Legislature; for defraying the expenses of Artillery Companies throughout the State, one thousand dollars, if so much be necessary, to be drawn and applied in the manner prescribed by the Act in relation to that subject.

Ordinary Local
expenses.

VIII. FOR ORDINARY LOCAL EXPENSES: For the support of the transient poor of Charleston, four thousand five hundred dollars, to be paid to the City Council of Charleston, and accounted for by them to the Legislature; for the

A. D. 1843.

salary of the Port Physician in Charleston, including boat hire and other incidental expenses, eight hundred dollars; for the execution of the Quarantine Laws at Charleston, one thousand dollars, if so much be necessary, to be paid to the City Council of Charleston, and expended under their direction; for the salary of the Superintendent of the Fire Proof Building in Charleston, during the ensuing year, one hundred dollars; for the support of the transient poor of Georgetown, five hundred dollars, to be expended by the Commissioners of the Poor of Prince George, Winyaw, to be accounted for by them to the Legislature; for the salary of the Pilot of the Harbor and Bar of Georgetown, three hundred and twenty dollars; for aiding the support of a Ferry over Elliott's Cut, two hundred dollars, subject to the order of the Commissioners of Roads of St. Andrew's Parish.

IX. EXTRAORDINARY EXPENDITURES: For an Agricultural Survey of the State, to be drawn and expended under the direction of the Governor, two thousand dollars; for the Catawba Indians, to be applied under the Act of eighteen hundred and forty, one thousand dollars, if so much be necessary; for Printing the Acts, Resolutions and Reports, in relation to the Bank of the State, agreeably to a contract made with the State Printer, by the Chairman of the Committee on Finance, one hundred and nineteen dollars and thirty cents, if so much be necessary, to be drawn by the President of the Bank, and paid over by him; when he shall be satisfied that the said contract hath been duly performed; for DuBosc and Johnston, for Printing the Agricultural Report of Edmund Ruffin, of the Survey of the State, six hundred dollars, if so much be necessary, to be paid at such time and manner as may be adjusted by the Chairmen of the Committees of Agriculture of both Houses; for postage and other expenses on sending writs of Election, sixty dollars, if so much be necessary, to be paid to the Clerk of the House and accounted for by him at the Treasury; for repairs of the Lunatic Asylum, as agreed to at the last Session of the General Assembly, eight thousand dollars, if so much be necessary, to be drawn by the Regents and to be accounted for by them to the Legislature, at its next Session; for repairs of the State House, at Columbia, ten thousand five hundred dollars, if so much be necessary; for Theodore D. Fulton, Assistant Door Keeper of the Senate, during the present Session, and to be paid to him at the close thereof, eighty-nine dollars.

X. FOR PUBLIC BUILDINGS: Four thousand dollars for enlarging or re-build- ing the Court House of Fairfield District, as agreed to by the General As- ssembly at the present Session. Public Build- ings.

XI. FOR INTERNAL IMPROVEMENTS: Three thousand seven hundred dol- lars for the purchase of the Mount Dearborn Lands, in pursuance and accord- ing to the provisions of the Report of the Committee of Internal Improve- ments, as agreed to at the present Session of the General Assembly. Mount Dear- born Lands.

XII. After reserving the sum of ten thousand dollars, the Comptroller Gen- eral is directed to apply any balance of monies in the Treasury, at the end of the last fiscal year, to the purchase and extinguishment of the Public Debt of this State, giving preference in such purchase, to the debt the interest of which is paid from the Public Treasury. Balance in Treasury, how appropriated.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843. **AN ACT TO REGULATE THE SITTINGS OF THE COURTS OF APPEALS, AND FOR OTHER PURPOSES.**
 No. 2887.

I. Be it enacted, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, That hereafter, a session of the Courts of Appeals in Law and in Equity, shall be held in the City of Charleston, on the second Monday in January in every year, to hear and determine respectively all appeals and motions in arrest of judgment, or for a new trial, which may be brought up from any of the Courts of Law or Equity in the Districts of Georgetown, Horry, Beaufort, Colleton and Charleston, which session shall continue for so long a time as may be necessary to dispose of the cases docketed, or until the commencement of the Circuits; and that all cases which remain on the dockets undisposed of at the said Session, or which may be docketed afterwards, shall be called and heard at such time during the Session of the Courts of Appeals at the town of Columbia next ensuing, as the Judges of the said Courts respectively may appoint, giving a preference to the cases by law required to be heard at Columbia; and if not so disposed of, shall be placed on the Charleston docket for trial.

II. That the Judges of the Courts of Appeals shall have power to order adjourned and extra sessions of the said Courts respectively, when the same shall be necessary for the despatch of business, to sit either in Columbia or in Charleston, as the business to be disposed of may require; but no cases shall be called and heard in Charleston, except such as are brought up from the Districts of Georgetown, Horry, Beaufort, Colleton or Charleston, unless by consent of parties.

III. That cases of Appeal and motions in arrest of judgment, or for a new trial, from whatever District brought up, may by consent of the Appellant and Appellee, be docketed for hearing either at Columbia or Charleston; but no case so docketed by consent, at the place where by law the Appeal is not required to be carried, shall take precedence over the cases belonging to the dockets of the said place.

IV. That any extra Court now appointed, may be by the Judge ordering the same, postponed to such time as he may think proper, and the Jurors, parties and witnesses, are required to attend the said Court at the time to which it may be postponed, of which due public notice shall be given.

V. That when any Judge shall fail to attend and hold a Court or Courts at its or their regular session, the Judges of the Courts of Appeal shall and may at their next session, order an extra Court or extra Courts, and shall and may order the Clerk and Sheriff to draw and summon a Jury or Juries, for said Court or Courts respectively, in the same manner as the Jury is now drawn and summoned when the Judge fails to attend; and the said Judges shall by lot or otherwise designate the Judge or Judges who shall attend and hold the said Court or Courts respectively.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO ALTER THE TIMES OF THE SITTING OF THE COURTS OF EQUITY IN THE THIRD CIRCUIT, AND TO ESTABLISH A COURT OF EQUITY IN HORRY DISTRICT.

A. D. 1842

No. 2888.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That, hereafter, the Courts of Equity for the Third Circuit, shall be held at Cheraw, for Marlborough and Chesterfield Districts, on Wednesday after the first Monday in February, to sit four days; at Darlington Court House, for Darlington District, on the second Monday in February, to sit three days; at Marion Court House, for Marion District, on Friday after the second Monday in February, to sit four days; at Conwayborough, for the District of Horry, on Thursday after the third Monday in February, to sit three days; at Georgetown, for Georgetown District, on the fourth Monday in February, to sit three days; and at Williamsburgh Court House, for the District of Williamsburgh, on Friday after the fourth Monday in February, to sit two days.

Times and places of Courts.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE OFFICE COPIES OF DEEDS, IN CERTAIN CASES, TO BE GIVEN IN EVIDENCE. No. 2989.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall be lawful, at any time hereafter, in every Court of this State, for any party, plaintiff or defendant, to produce in evidence a copy of any deed of conveyance of Real Estate, certified by the Register of Meane Conveyance of the District where the same may be recorded: *Provided*, that the person or persons so applying to produce an Office Copy of a deed in evidence, swear that the original deed is lost, destroyed, or out of his, her or their power to produce; and that he, she or they have not destroyed, mislaid, or in any way, willingly, previous to that time, put it out of his, her or their power to produce the same, with an intention to produce an Office Copy in evidence: and *Provided*, also, that such deed of conveyance shall have been recorded at least ten years before a copy thereof shall be received in evidence: and *Provided*, also, that the party intending to offer in evidence such Office Copy, shall give at least thirty days notice thereof to the opposite party or his attorney.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843. AN ACT TO AMEND THE LAW IN RELATION TO RECORDING MORTGAGES, AND TO
 No. 2890. REGULATE THE LIEN THEREOF.

To be recorded in 60 days. I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That no Mortgage, or other instrument of writing, in the nature of a Mortgage of Real Estate, shall be valid so as to affect the rights of subsequent creditors or purchasers for valuable consideration, without notice, unless the same shall be recorded in the office of Register of Mesne Conveyance for the District wherein such Real Estate lies, within sixty days from the execution thereof, if executed after the first day of May next, or within sixty days from the said first day of May next, if executed previous to that day.

Where recorded. II. That no Mortgage or other instrument of writing in the nature of a Mortgage of Personal Property, shall be valid so as to affect the rights of subsequent creditors or purchasers for valuable consideration, without notice, unless the same shall be recorded in the office of the Register of Mesne Conveyance for the District wherein the Mortgagor resides, if he resides within the State, and if he resides without the State, then, where the property Mortgaged is located at the time the Mortgage is executed, within sixty days; and in all cases, if the property Mortgaged consists of one or more slaves, in the office of the Secretary of State, within sixty days from the execution thereof, if executed after the first day of May next, or within sixty days from the said first day of May next, if executed after the passage of this Act, and previous to that day: *Provided*, That in the Districts of Charleston and Richland a Mortgages of Personal Property, shall be recorded in the office of the Secretary of State only, pursuant to the provisions of this Act.

Verbal agreements. III. That every verbal agreement between the vendor and vendee of personal property, whereby the vendor who has parted with the possession thereof to the vendee, shall reserve to himself any interest in the same, shall be null and void as to subsequent creditors or purchasers for valuable consideration, without notice.

Repeal of repugnant Acts, etc. IV. That all Acts and parts of Acts in relation to Mortgages, repugnant to this Act, be and the same are hereby repealed.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2891. AN ACT TO AMEND THE LAW IN RELATION TO ACTIONS COMMENCED BY
 WRIT OF FOREIGN ATTACHMENT.

Defendant may plead without putting in bail. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in all actions at law, hereafter to be commenced by Writ of Foreign Attachment, it shall and may be lawful for the Defendant, at any time before the expiration of the usual rule to plead, to appear by attorney and plead to the declaration

without putting in bail to the action; provided, that a warrant of attorney duly executed by the Defendant, shall be filed in the office of the Clerk of the Court from which such attachment issued, before the Defendant shall be allowed to appear and plead as aforesaid. And where the Defendant shall so appear, and plead to the declaration as aforesaid, the judgment, if against the Defendant, shall be final and conclusive, and the Plaintiff shall be entitled to sue out writs of execution thereon, both of *capias* and *satisfaciendum* and of *feri facias*, or either of them, to be levied generally of all the estate and effects of the Defendant; and nothing herein contained shall be held to impair the lien of the Writ of Attachment on the property originally attached, or to entitle the Defendant to dissolve the attachment without putting in bail to the action: *Provided*, That no judgment against an absent debtor, in an action of foreign attachment, except where the Defendant appeared by warrant of attorney, or by putting in bail to the action, shall have any operation or effect, except upon the property originally attached; but upon any action of debt upon such judgment, or any *scire facias* to revive the same, the said Defendant shall be entitled to set up any defence, which might have been made to the original action: *Provided, further*, That where any judgment, founded on an attachment, wherein the Defendant has not appeared or put in special bail, shall not be satisfied by the proceeds of the property thereunder attached, the plea of the Statute of Limitations shall not be held to bar any suit brought on the cause of action on which the said judgment is founded, or to any action on the said judgment in such attachment.

A. D. 1843.

Proviso.

Judgment final.

Proviso.

Proviso.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO INCREASE THE PENALTY FOR CONCEALING OR CONVEYING AWAY ANY SLAVE ACCUSED OF A CAPITAL CRIME. No. 2892.

Be it enacted, by the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That in case the Master or other person having charge or government of any slave who shall be accused of any capital crime, shall conceal or convey away any such slave, so that he cannot be brought to trial and condign punishment, every master or other person so offending, shall forfeit, on conviction thereof, one Penalty. thousand dollars, and suffer imprisonment at the discretion of the Court not exceeding twelve months, which forfeiture aforesaid shall not be barred for want of prosecution at any time within two years after the commission of such offence.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843. AN ACT TO INFLICT CAPITAL PUNISHMENT ON SLAVES AND FREE PERSONS
 OF COLOR WHO MAY COMMIT A CERTAIN OFFENCE.
 No. 2893.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, any slave or free person of color, who shall commit an assault and battery on a white woman with intent to commit a rape, on being thereof convicted, shall suffer death without the benefit of clergy.

The offence.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2894. AN ACT TO ALTER AND AMEND THE PATROL LAW.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all fire arms or other offensive weapons, which may be found in the possession of a slave, contrary to the provisions of the thirteenth section of "An Act to reduce all Acts and clauses of Acts in relation to the Patrol of this State, into one Act, and to alter and amend the same," ratified the twenty-first day of December, Anno Domini one thousand eight hundred and thirty-nine, shall be subject to be seized by a Patrol, and to condemnation and forfeiture to the use of the Regiment; but before such fire arms or other offensive weapons be condemned, the leader of the Patrol who shall seize the same, shall within ten days next after such seizure, go before the nearest Magistrate of the Parish or District in which such arms or weapons may have been seized, and make oath of the manner, time and place of the taking: and if the Magistrate, on such oath or other examination, shall be satisfied that said arms or weapons have been seized agreeably to the provisions of the thirteenth section of the said Act, he shall summon the owner of the slave from whom said arms or weapons have been seized, to appear before him within ten days after such summons, and shew cause why said arms should not be condemned and forfeited pursuant to the provisions of this Act: and in default of the owner, after such summons, to appear, or failure to show sufficient cause, the said arms or weapons shall, by certificate under the hand of the Magistrate, be declared condemned, and may be sold within ten days after such condemnation; and the proceeds of the sale, after the payment of the costs and charges of the proceedings, shall be paid to the Paymaster of the Regiment.

Fire arms, &c.
to be seized.

Oath before
Magistrate.

Summons of
slave owner.

Condemnation,
sale, &c.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO GIVE THE COMMISSIONERS OF THE POOR FOR THE SEVERAL DISTRICTS AND PARISHES IN THIS STATE, THE POWER TO PURCHASE LANDS AND BUILD POOR HOUSES THEREON, FOR THE SUPPORT AND MAINTENANCE OF THE POOR OF SAID DISTRICTS AND PARISHES," PASSED ON THE SIXTEENTH DAY OF DECEMBER, 1824.

A. D. 1843.

No. 2895.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, it shall be the duty of the Boards of Commissioners of the Poor in the several Districts and Parishes, and they are hereby required, to report in writing, to the presiding Judge of the Court of Common Pleas and General Sessions, in each District, on the first day of each term, all transactions connected with the administration of the eleemosynary funds committed to their charge. That this Report be accompanied with an exact account of all moneys assessed and received by them from term to term, and all disbursements made, specifying, in a minute and detailed manner, all persons by their names in full, who may from term to term, receive any support whatever from said funds. And said presiding Judge shall cause said report to be read in open Court by the Clerk on the first day of term aforesaid.

Commissioners to report to Courts of Common Pleas.

Details of Report.

To be read in Court.

II. And it shall further be the duty of said Boards of Commissioners respectively, and they are hereby enjoined and required, to cause their said report on all occasions to be printed and published in the nearest newspaper, if any be printed in the District, at least once immediately after the rising of the Court; and if there be no newspaper, then to affix one copy of said report to the Court House door, and three copies at three conspicuous places within the District or Parish, as the case may be.

Report to be published in newspaper, or conspicuous places.

III. And in case any one of the said Boards of Commissioners shall neglect or refuse to make said report or publication, each and every member thereof shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any Court of competent jurisdiction. And it shall be the duty of the Solicitor of the Circuit, and he is hereby required, to bring said action for the recovery of said penalty.

Penalty for neglect to report; to be enforced by Solicitor.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AMEND AN ACT TO PROVIDE AGAINST THE SUSPENSION OF SPECIE No. 2896.
PAYMENTS BY THE BANKS OF THIS STATE.

I. Whereas the Bank of South-Carolina, and the President, Directors and Company of the State Bank, have respectively applied to the General Assembly by their respective memorials, praying to be permitted to accept, as part of their respective Charters, the terms and provisions of an Act entitled an Act to provide against the suspension of specie payments by the Banks of this State,

Applications of Bank of South Carolina, and State Bank.

A. D. 1843.

Bank of South-Carolina and State Bank authorized to accept provisions of Act of 1840, &c.

The provisions of 41st Section of Act of 1841, to form part of their Charters.

Discontinuance of proceedings.

The proceedings against other Banks to be discontinued forthwith.

Future suspensions by Banks not accepting the provisions of the Act of 1840, how dealt with.

ratified on the eighteenth day of December, in the year of our Lord one thousand eight hundred and forty. *Be it therefore enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the said Bank of South-Carolina, and the President, Directors and Company of the State Bank, severally to accept the terms and provisions of the said Act as part of their Charters respectively: *Provided*, That the said corporations shall respectively notify the Governor of such acceptance, on or before the first day of March next.

II. Nothing in this Act contained, shall be construed to exempt the said Banks from the forty-first section of an Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted, ratified on the seventeenth day of December, in the year of our Lord one thousand eight hundred and forty-one; but the provisions of the said section and also of the Act mentioned in the first section of this Act, shall be taken and held as part and parcel of the charter of each corporation, which shall so accept as aforesaid.

III. The Governor upon being notified of the said acceptance, shall cause all legal proceedings pending against the Bank so accepting, for the purpose of vacating its charter, to be forthwith discontinued.

IV. The proceedings which have been instituted and are now pending against any other incorporated Bank within this State, in virtue of the said Act to provide against the suspension of specie payments by the Banks of this State, shall be forthwith discontinued.

V. If any incorporated Bank in this State which shall not have duly accepted the terms and provisions of the said last mentioned Act, so that the same shall have become part of its charter, shall hereafter suspend the payment in legal coin of the bills or notes of the said Bank, issued by the said Bank as part of the currency or circulating medium of the State, or shall suspend the payment in such coin of the moneys placed in the said Bank on deposit, or shall declare its determination to suspend or refuse such payment, the Governor for the time being shall forthwith cause legal proceedings to be instituted against such Bank to vacate its charter; but no such proceedings shall be prosecuted to final judgment, nor shall final judgment for the State be entered thereon, until the expiration of the Session of the General Assembly next succeeding the institution of such proceedings.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2897. AN ACT TO PROVIDE FOR THE PAYMENT OF A PORTION OF THE PUBLIC DEBT.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the President and Directors of the Bank of the State of South-Carolina, shall, agree-

Bank of State to deliver certain Bonds, &c.

ably to their proposition to that effect, contained in their annual report, deliver up to the Comptroller General to be cancelled, all the evidences of Public Debt, of this State, now in their possession in Charleston, and that the said Comptroller General forthwith cause the same to be cancelled. A. D. 1843.

II. The said President and Directors are authorized and empowered to deliver up to the said Comptroller General, to be cancelled, any certificates or evidences of Public Debt of this State, which they may hereafter purchase or procure. Authorized to deliver also any Bonds hereafter purchased.

III. The Comptroller General shall transfer to the Sinking Fund, the balance of two hundred thousand dollars, now standing on deposit in the said Bank, to the credit of the Surplus Revenue received from the United States, upon condition that the President and Directors of the said Bank shall be bound to fulfil the obligations contained in the following section. Comp. Genl. to transfer \$200,000 on deposit to the Sinking Fund, &c.

IV. The said President and Directors of the Bank of the State, shall pay and discharge the principal and interest, as the same shall become due and payable, of the debt of three hundred thousand dollars, issued in virtue of the Act of the General Assembly, ratified in the year one thousand eight hundred and twenty-six. The Bank to pay the debt of \$300,000, (and interest) created in 1826.

V. The Dividends accruing from the Stock owned by the State in the South-Western Rail-Road Bank, shall hereafter be received by the President and Directors of the Bank of the State, and shall be applied towards payment of the interest hereafter accruing on that portion of the Public Debt created for subscription to the capital of said Rail-Road Bank; and whenever such Dividends shall exceed the said interest, the excess shall be applied in reduction of the principal; and whenever the said debt shall be finally extinguished, the said Dividends shall be paid into the Public Treasury by the said Rail-Road Bank. Dividends on Stock of S. W. R.R. Bank, how appropriated.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO RESTORE TO EACH BRANCH OF THE LEGISLATURE, THE RIGHT No. 2898. OF ENQUIRING INTO THE FINANCES OF THE STATE.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That either Branch of the Legislature shall hereafter have full power and authority to call for any information which they may deem necessary, from the Bank of the State of South-Carolina or the Branches thereof; and the said Bank and Branches are hereby required to furnish any information called for by either branch of the Legislature. Authority to call for information from Bank of the State, and requisition to furnish it, &c.

A. D. 1843.

Exceptions.

II. Nothing in this act contained shall imply a right to inspect the account of any private individual, body politic or corporate, with the Bank.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT REGULATING HAWKERS AND PEDLERS.

No. 2899.

Be it enacted, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the passing of this Act, the sole and exclusive power of granting licenses to Hawkers and Pedlers, be and the same is hereby vested in the Commissioners of Roads, in their respective Districts and Parishes, a majority of whom, in their respective Districts or Parishes, shall at any stated meeting, and at no other time, hear all applications for such license to hawk and peddle, and shall grant or reject such application for one year, as to them shall seem proper: *Provided*, That such applicant shall, before he receives such license, pay into the hands of the said Commissioners for such District or Parish, the sum of fifty dollars, and shall enter into bond as now provided by law, except that it be taken and approved by the body granting the license: *Provided*, also, such applicant shall have been a citizen of the District the preceding ten years, and legally entitled to vote, at the time of such application, for members of the General Assembly; and provided likewise, that such license so granted, shall confer the privilege to hawk and peddle within the limit only of the District or Parish for which the body granting it have themselves been appointed, and shall not be extended in any manner to enable any other person to hawk or peddle, saving only the person actually named in the license: *Provided*, also, that in any District or Parish, where there now exists or may hereafter exist, by law, more than one Board of Commissioners of Roads, a license taken from any one of said Boards shall be sufficient to authorize any person who has complied with the provisions of this Act, to hawk and peddle within said District or Parish.

Exclusive power to license vested in Commissioners of Roads, &c

Conditions of each license.

Ten years residence, &c.

Limited to the District or Parish, &c.

Districts, &c., having more than one Board.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AMEND THE SECOND SECTION OF "AN ACT TO CONVERT THE ARSENAL AT COLUMBIA, AND THE CITADEL AND MAGAZINE IN AND NEAR CHARLESTON, INTO MILITARY SCHOOLS." A. D. 1843.
No. 2900.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the second section of an Act passed in the year one thousand eight hundred and forty-two, entitled "An Act to convert the Arsenal at Columbia and the Citadel and Magazine in and near Charleston, into Military Schools," be so amended, that the Governor and Commander in Chief shall hereafter be (ex officio) a member of the Board of Visitors of the said Military Schools.

The Governor to be a member, ex officio, of Bd. of Visitors.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH THE OFFICE OF ASSAYER.

No. 2901.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Office of Assayer, to be located and kept in the City of Charleston, be and the same is hereby established.

Office, in Charleston.

II. An Assayer shall be appointed annually, by the President and Directors of the Bank of the State of South-Carolina, at their first meeting in each and every year, or as soon thereafter as convenient; and the officer so appointed shall execute a bond to the State of South-Carolina, with surety or sureties, to be approved by the Commissioners appointed to approve the sureties of public officers in Charleston District, in the penal sum of five thousand dollars, and conditioned for the faithful performance of his duties as Assayer; and he shall be entitled to enter upon such duties on the due execution of such bond, and the filing of the same in the office of Treasurer of the Lower Division. And the said bond shall stand as a security for all gold and other metals committed to the custody of the said Assayer, and shall be good and valid in law, to bind his sureties for every default during the whole time he shall continue in office, whether upon his original election or upon re-election.

Bank of the State to appoint; conditions of Bond, &c.

III. The duties of the Assayer shall be carefully to assay all gold and other metals generally used in coinage, which may be delivered to him for the purpose of ascertaining their quality or standard, and to stamp the fineness of the same, and if required, from time to time, to furnish certificates thereof to the owner.

Duties of Assayer.

IV. The compensation of the Assayer shall be regulated by the President and Directors aforesaid, to be paid by the person or persons for whom any assays may be made.

Compensation.

A. D. 1843.

vacancies.

V. Any vacancy occurring in said office shall be supplied by the President and Directors aforesaid, in manner, and with the same security, as are provided in these respects by the second section of this Act.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America-

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2902. AN ACT TO PROVIDE COMPENSATION TO OWNERS OF SLAVES EXECUTED:

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That in case any Slave shall be put to death in pursuance of the sentence of a Court of Magistrates and Freeholders within this State, the Court imposing such sentence, or a majority of them, shall, before they order the sentence to be executed, appraise any such Slave at any sum not exceeding two hundred dollars, and shall certify such appraisement to the Treasurer of the Division within which such proceedings may be had, who shall be authorized and required to pay the same to the owner of such Slave.

II. That the compensation heretofore provided by law to the owners of Slaves suffering death by the sentence of Court in certain cases, be allowed to the owner of any Slave that shall have suffered death in like manner, for any offence whatever, within the last four years.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America-

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2903. AN ACT TO ESTABLISH AN INSPECTION AND WARE-HOUSE AT HAMBURG, IN EDGEFIELD DISTRICT.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Inspection and Ware-House, for the inspection and reception of Tobacco, is hereby authorized to be established at Hamburg, in Edgefield District, as soon as conveniently may be after the passing this Act, which shall be subject to all the regulations, restrictions and conditions mentioned, set forth and expressed, by an Act of the Legislature, entitled "An Act for regulating the inspection and exportation of Tobacco," passed the thirteenth day of March,

one thousand seven hundred and eighty-nine, and Acts amendatory thereof, and now of force in this State. A. D. 1843.

II. That David L. Adams, Marshal R. Smith, H. L. Jeffers, W. H. Green, and Dr. J. W. Stokes, be and they are hereby appointed Commissioners for such Inspection and Ware-House; a majority of whom are hereby empowered to choose an Inspector for said Ware-House, and make such regulations respecting the inspection of Tobacco, consistent with the laws now of force: *Provided*, That in no case shall the said Inspector cause any Tobacco offered for inspection to be burnt, as heretofore authorized. Com'rs., their powers, regulations, &c.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO INCORPORATE CERTAIN SOCIETIES AND COMPANIES, AND TO RE- No. 2904.
NEW AND AMEND CERTAIN CHARTERS HERETOFORE GRANTED.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons who now are, or hereafter may become, members of the following Religious Societies and Associations, to wit: "The Methodist Protestant Mount Zion Church, in Abbeville District;" "The Providence Baptist Church, of Sumter District;" "The Baptist Church at Hardy's, Edgefield District;" "The Baptist Church at Republican, Edgefield District;" and "The Baptist Church of Anderson Village," be and they are hereby constituted and declared, bodies politic and corporate, by the name and style to each respectively above assigned. Religious Societies incorporated.

II. That Edward R. Laurens, James Gadsden, William C. Courtney, Lee Alison, Benjamin Lockwood, William Gregg, and James Black, Vestrymen, and Jacob K. Sass and John F. Schmidt, Wardens, and their successors in office, shall be incorporated under the name and style of "The Vestry and Wardens of St. Thaddeus Church, at Aiken;" and the said Vestry and Wardens, and their successors, shall have the privilege of filling up such vacancies as may occur from time to time in their own body, by death, resignation or otherwise, and also of making such appointments as are usually made by the congregations of similar incorporations. Vestry, &c. of St. Thaddeus Church, Aiken

III. The Religious Societies aforesaid, shall have succession of officers and members, according to their respective bye-laws; and shall have power, respectively, to make bye-laws, not repugnant to the laws of the land; to have, use and keep a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any Court in this State; and to have and enjoy every right incident to incorporations. They are hereby empowered, respectively, to retain, possess and enjoy all such property as they may severally possess or be entitled to, or which shall hereafter be given, bequeathed to, or in any manner be acquired by them; and to sell, alien, or in any Their powers, bye-laws, &c.

A. D. 1843.

Societies, Companies, and Bands incorporated.

manner transfer the same, or any part thereof: *Provided*, the amount of property so held, shall in no case exceed ten thousand dollars.

IV. All persons who now are, or hereafter may become, members of the following Societies and Associations, to wit: "Palmetto Encampment, No. 1, of the Independent Order of Odd Fellows;" "DeKalb Lodge, No. 6, of the Independent Order of Odd Fellows;" "The German Riflemen," attached to the Sixteenth Regiment; "The South-Carolina Light Artillery of Charleston;" "The Cedar Shoal Band, of the Sixth Brigade;" "The Palmetto Fire Engine Company, of Edgefield;" "The Hope Fire Engine Company, of Charleston;" "The Ashley Encampment, No. 3, of the Independent Order of Odd Fellows;" "The DeKalb Lyceum, in the Town of Camden;" "The Grand Camp of the State of South-Carolina, of the Independent Order of Odd Fellows;" "The Marion Artillery, of Charleston;" "The Governor's Guards;" "The Unionville Ninth Brigade Band;" be, and they are hereby constituted and declared, bodies politic and corporate, by the name and style to each, respectively, above assigned: *Provided*, that the said Hope Fire Engine Company of Charleston, and the members thereof, shall at all times be subject to the provisions of the first Section of the Act passed on the twenty-first day of December, in the year eighteen hundred and thirty-six, entitled "An Act for the better regulating the Fire Department in the City of Charleston."

Their powers, bye-laws, &c.

V. The said Societies and Associations, by their respective names, shall have succession of officers and members to be chosen and admitted, according to their bye-laws, respectively; and shall have power, severally, to make bye-laws not repugnant to the laws of the land; to have, keep and use a common seal, and the same to alter at will; to sue and be sued, plead and be impleaded, in any court in this State; and to have and enjoy every right incident to incorporation. They are also empowered, respectively, to retain, possess and enjoy all such property as they may be now possessed of, or which shall hereafter be given, bequeathed to, or in any manner acquired by them, and to sell, alien or transfer the same, or any part thereof: *Provided*, the amount of property so held, shall in no case exceed ten thousand dollars.

Ætna Fire Engine Company.

VI. The Ætna Fire Engine Company be and they are hereby re-incorporated, with all the powers and privileges, and subject to all the regulations and conditions relating to the said Company, contained in the Act passed on the eighteenth day of December, in the year eighteen hundred and twenty-nine, entitled "An Act to incorporate certain Societies."

Camden Ind. Fire Eng. Co.

VII. The charter of The Camden Independent Fire Engine Company be and the same is hereby renewed: *Provided*, the members of the said Company be subject to such regulations as may be made by the Town Council of Camden, for the government of the Company.

The Edgefield, Greenville, and Camden Fire Eng. Cos. exempted from ordinary Militia duty.

VIII. The members of the said "The Palmetto Fire Engine Company of Edgefield," and the members of The Greenville Fire Engine Company incorporated at the last Session of the General Assembly, not exceeding thirty-six in number, in each of the said Companies; also, the members of the said The Camden Independent Fire Engine Company, not exceeding forty-five in number, shall be, and they are hereby declared, exempted from ordinary Militia duty, but shall be liable to perform duty in time of alarm, insurrection or invasion, and shall not be exempted from draft for actual service.

Society Française of Charleston.

IX. The Societe Francaise in the City of Charleston, be and the same is hereby re-incorporated, with all the powers and privileges granted in

the Act passed on the seventeenth day of December, in the year one thousand eight hundred and sixteen, entitled "An Act to incorporate the Societe Francaise of the City of Charleston."

A. D. 1843.

X. The Town Council of Camden shall hereafter be empowered to regulate sales at auction within the limits of the said town, to grant licenses to Auctioneers, and to lay such tax on sales at auction as they may judge expedient: *Provided*, That nothing herein contained shall extend to sales by or for Sheriffs, Commissioners in Equity, Ordinaries, Executors or Administrators, or by any other person, under the order of any Court or Magistrates. Town Council of Camden.

XI. The Town Council of Camden shall hereafter be authorized to enforce the payment of taxes and assessments levied by the said Town Council, against the property and persons of defaulters, to the same extent, and in the same manner, as is provided by law for the collection and payment of the general State tax. Same.

XII. The Town Council of Camden be, and they are authorized to impose and levy such tax as they may deem expedient, on the owners and possessors of dogs, for any dog or dogs kept within the corporate limits of the Town of Camden: *Provided*, such owner or possessor shall have been a resident therein for three months previous to the laying of such tax. Same.

XIII. That the name and style of "The Independent Order of Odd Fellows, South-Carolina Lodge No. 1, of Ancient Free Masons, in the City of Charleston," incorporated in 1841, be changed to the name and style of South-Carolina Lodge No. 1, of the Independent Order of Odd Fellows. So. Ca. Lodge No. 1, I.O.O.F.

XIV. This Act shall be a public Act, and continue in force for the period of fourteen years. Term, &c. of Act.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO ESTABLISH CERTAIN ROADS, BRIDGES AND FERRIES.

No. 2905.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Ferry across the Ashpoo River, known as Ashpoo Ferry, be and the same is hereby re-chartered and vested in Mrs. Ann. Cunningham, in trust for her son, James Miller Cunningham, his heirs and assigns, for the term of seven years, with the same rates of toll now allowed by law. Ashpoo Ferry re-chartered.

II. That the Ferry across the Edisto River, known as Givhan's Ferry, be and the same is hereby re-chartered and vested in Christian Rumph, his heirs and assigns, for the term of seven years, with the same rates of toll now allowed by law, and that the said Christian Rumph, his heirs and assigns, be granted the privilege of erecting a Toll Bridge across the said River, at or near Givhan's Ferry, in place of said Ferry, and when the same shall be finished that he be allowed the same rates of toll as are now allowed by law at said Ferry. Givhan's Ferry, do.

A. D. 1843. **Sullivan's Ferry.** III. That the Ferry across the Edisto River, known as Sullivan's Ferry, be and the same is hereby re-chartered, and vested in John Rumph, his heirs and assigns, for the term of seven years, with the same rates of toll now allowed by law at Givhan's Ferry.

Barksdale's or Mattherson's Ferry. IV. That the Ferry across Savannah River, formerly called Barksdale's Ferry, and latterly known as Mattherson's Ferry, be and the same is hereby re-chartered by the name of Mattherson's Ferry, and vested in Frances Mattherson and Mary A. Simmons, their heirs and assigns, for the term of seven years, with the same rates of toll now allowed by law.

Burch's Ferry. V. That a Ferry across the Pedee River in Marion District, known by the name of Burch's Ferry, be and the same is hereby chartered and vested in Cambyses Hunter, for the term of seven years, with the same rates of toll as are now allowed by law at Godfrey's Ferry on the same River.

Anderson's Bridge. VI. That the Bridge across Lynch's Creek, known as Anderson's Bridge, be and the same is hereby re-chartered and vested in Ralph R. Brooks, his heirs and assigns, for the term of seven years, with the same rates of toll now allowed by law.

Commissioners to open a Road in Richland. VII. That Thomas Seay, John Brown and Boston Clarkson, be and are appointed Commissioners to lay out and open a Public Road in Richland District, leading from Stark's Ferry on the Wateree River, to the nearest and best point of the Charleston, Louisville and Cincinnati Rail Road, and that the said Road, when laid out and opened, shall be kept in repair by the Commissioners of Roads for said District.

Thos. Woodruff auth. to alter Road in Spartanburg. VIII. That Thomas Woodruff be and is hereby authorized to alter the main Road in Spartanburg District, leading across the Enoree River, above Thomas Woodruff's Mill, in the direction of Bethel Church, at that point where it enters the lane of Thomas Woodruff.

Black River Road in Prince George, Win-yaw. IX. That a new Road laid out and opened in the Parish of Prince George, Win-yaw, leading from the ten mile post on the Black River Road, to Snow's Mill Bridge, known by the name of the Black Swamp Road, being two and three fourths of a mile in length, and intersecting the old Public Road at Snow's Mill Bridge, be and the same is hereby established as a Public Road.

Road in St. John's Berkley. X. That the Road leading from the Black Oak Club House to Somerset Causeway on the Monk's Corner Road, in the Parish of St. John's, Berkley, be and the same is hereby established as a Public Road.

Road in Salem, across Black River. XI. That the Road in Salem County, across Black River in Middle Salem, from the main Charleston Road on the East side, to the main Charleston and Camden Road on the West side of said Swamp, known as Witherspoon's crossing, be and the same is hereby established as a Public Road.

Quin Road; York District. XII. That the Commissioners of Roads for York District be and are hereby authorized and empowered to alter the Quin Road at Turkey Creek Bridge, commonly called Lecch's Bridge, so as to cross the said Creek two hundred yards higher up, at the first ledge of rocks above the Bridge now in use, leaving the old road on the West side of said Creek, at the top of the hill, near three hundred yards or more, and cross the same at a ledge of rocks, and thence down said Creek to the old road; and that the said Road, when altered as aforesaid, be and the same is hereby established as a Public Road.

Commissioners to open a new Road in York. XIII. That Samuel G. Brown, N. P. Kennedy, E. Chambers, Robert Smith, and Robert Whitesides, be and are hereby appointed Commissioners to lay out and open a new Road in York District, from a point on the Dare's Ferry Road to Crosby's, on the Quin's Road, and that the said Road, when

laid out and opened as aforesaid, be and the same is hereby established as a Public Road. A. D. 1843.

XIV. That the Commissioners of Roads and Cuts of the several Parishes and Districts, shall hereafter be appointed by Joint Resolution of both branches of the Legislature, in the same manner as Commissioners of Free Schools are now; the term of the office of the said Commissioners of Roads, shall be the same as is now required by law; they shall be liable to perform the same duties and be subject to the same penalties as are now prescribed by law; and that in any case of the death of any Commissioner, or removal from the Parish or District or refusal to serve, that the several and respective Boards of Commissioners shall appoint a Commissioner to fill said vacancy, who shall serve the unexpired term. The Commissioners now in office to continue in office until the first day of January, one thousand eight hundred and forty-five: *Provided*, That nothing herein contained shall be considered as applying to the Commissioners of Cross Roads of Charleston Neck.

Commissioners of Roads, &c., how appointed hereafter; their powers, vacancies, &c.

XV. That every Commissioner of Roads, in his respective road division, shall cause all the roads in his division to be posted and numbered, and at each Fork of said Roads a pointer declaring the direction of such Roads; and that any Commissioner failing or neglecting to do so, shall be liable to pay the sum of ten dollars for each and every such neglect, to be recovered by indictment in the Court of General Sessions of the District wherein the same occurs, to be paid when collected, to the Treasurer of the Board to which such delinquent belongs: *Provided*, no Commissioner shall be liable to said Penalty, who puts up said pointers at such times as he works his road division.

Commissioners of Roads to have the Roads posted, numbered, and pointed; Penalty, &c.

XVI. That the Commissioners of Little Pedee River be and are hereby authorized to select from the hands liable to work on said River, six hands and an overseer for every twenty miles of said River, over whom they shall have sole control, and that said hands be and are hereby declared exempt from all road duty, and shall have power to remove all obstructions in said River, and punish by indictment any person who may obstruct said River, or any Cut-off that may be opened by the said Commissioners as a public pass-way.

Commissioners of Little Pee Dee River.

XVII. That the Commissioners of Lynche's Causeway, be and are hereby authorized to lay a tax of one dollar per year, for each and every hand liable to work on said Causeway, in lieu of the labor of said hands: *Provided*, That nothing herein contained shall affect the liability of said hands to perform any other road duty now required of them by law.

Commissioners of Lynche's Causeway.

XVIII. That George Steele, Stanhope Sadler, and Col. Wm. Wright, be and are hereby appointed Commissioners of Streets for the Village of Yorkville; and they or a majority of them, and their successors, are hereby vested with all the powers vested by law in the Commissioners of Roads, over all the streets and roads lying within one mile of the Court House of the said Village; and persons liable to work on the public roads, residing within the limits aforesaid, shall be liable to work on the said streets and roads not exceeding twelve days in each year, and shall be exempted from working on any other public road.

Commissioners of Streets for Yorkville:

XIX. That it shall be the duty of the said Commissioners to cause all the streets and public roads within the limits aforesaid, to be kept in good repair; and for neglect of duty, they may be punished as other Commissioners of Roads are now punished by law.

Their duty:

A. D. 1848.

Elections of
said Commis-
sioners.

XX. That the Commissioners of the Streets of Yorkville, appointed by this Act, shall continue in office until the first Monday of January, in the year of our Lord, one thousand eight hundred and forty-five, on which day, and on the same day in every subsequent year, an election shall be held for the Commissioners of Streets of said village, to be held by the Commissioners for the time being, who shall give ten days notice thereof: and in case there should be no election of new Commissioners, the old to continue in office until their successors are elected, and immediately upon such failure to elect, the old Commissioners are hereby required to order a new election, giving the usual ten days notice. And all free white male inhabitants residing within the limits aforesaid, and who shall have resided six months previous to such election, and liable to work on the Public Roads by the laws of this State, shall be entitled to vote for the said Commissioners: And in case any vacancy shall occur, by the death, resignation, or removal from the village of Yorkville, of any of the said Commissioners, the other Commissioner or Commissioners, shall have power to nominate some person to fill such vacancy until the next election: And that no person shall be eligible to the office of Commissioner unless he shall have resided in said village, at least twelve months immediately preceding, nor unless he be a freeholder, or tenant for a term of years not less than two years within the prescribed limits.

Vacancies.

Persons eligible

Authorized to
commute, &c.Their powers,
&c. as to Patrol
duty.

XXI. That the said Commissioners be and are hereby authorized to commute with all persons liable to do road duty within said prescribed limits, in lieu of the labor of themselves or hands, at a rate not exceeding seventy-five cents per day, for each person so liable as aforesaid.

XXII. That the said Commissioners shall have power, and it shall be their duty, to cause patrol duty to be performed by the inhabitants of the said village, and within the above prescribed limits, by those who are now liable by law to perform patrol duty within the same, and to inflict the same fines and penalties for refusal or neglect, as are now prescribed by law: and the said inhabitants are hereby exempt by law, from the performance of patrol duty, beyond the said above prescribed limits. And in case of emergency, the said Commissioners shall have the power to call out said inhabitants to perform patrol duty, as often as they may deem necessary, and when so called out, they shall be subject to the same penalties as they would be for the non-performance of ordinary patrol duty.

Authorized to
issue fi. fa. or
ca. sa.

XXIII. That for any default of Road or Patrol duty, the said Commissioners be and are hereby authorized to issue a fieri facias or capias ad satisfaciendum for the collection of the fine for such default.

White persons
or slaves not to
work on roads
beyond ten
miles; except,
&c.

XXIV. That from and after the passage of this act, no person or persons, or his, or her, or their slave or slaves, shall be compelled to work on any part of any road, at a greater distance than ten miles from his, her or their place of residence, or the plantation whereon such slave or slaves usually reside or are employed the greater part of the year: *Provided*, That in cases where there are now no public roads within ten miles, the public hands may be summoned to work beyond the ten miles, or to commute at the rate of fifty cents per day.

Port Republic
Bridge Co.;
Ferry across
the Coosa, &c.

XXV. Whereas, doubts have been entertained, whether by the terms of the Act passed in the year 1805, establishing a Ferry across Coosa-River, to Port Republic Island, and vesting the same in the President and Directors of the Port Republic Bridge Company, and their successors, or any person or persons holding under them, the Legislature did not intend to make it a condition

subsequent to the said grant, that the grantees should build a bridge across the said river within a reasonable time; for the purpose of removing such doubt, and quieting the title of the present grantee, therefore, *Be it enacted* and declared: That the said Ferry was and is hereby vested in the person or persons holding under or from the said Port Republic Bridge Company, or their successors, upon the terms and under the conditions heretofore prescribed, except the condition to build a bridge, if upon the construction of the charter, such should be determined to be a condition of the grant.

A. D. 1843.

XXVI. That John W. Segurs and James Carter be appointed additional Commissioners of Roads for Darlington District. Com'rs. of R'ds for Darlington.

XXVII. That the private road leading from Kingstree to Lynche's Lake, shall hereafter be a public road, and shall extend from where it leaves the Darlington road, which leads from Kingstree near Dr. Bradley's plantation, running from thence by Mr. Joseph Scott's mill, crossing Lynche's Lake at Brown's Causeway, and that said Road be under the control of the Commissioners of Roads for said District. Road from Kingstree to Lynche's Lake.

XXVIII. That from and after the passing of this Act the two Boards of Commissioners of Roads for Pickens District, shall be so far re-united as to constitute a General Board, for the purpose of assessing the Road tax and authorizing the expenditures thereof in all instances, to meet as formerly required by law, previous to the passage of the Act entitled "An Act to establish certain Roads, Bridges and Ferries," in December one thousand eight hundred and forty-one; and for all other purposes, they shall continue separate Boards as now authorized, and at the first meeting of the Board of Commissioners for the Fifth Regiment, they shall elect two additional Commissioners, and the Board thus composed shall always in future consist of like number. There shall be but one Treasurer, charged with the receipt and disbursements of all moneys arising from taxation by the General Board for Pickens District. The two Boards of Com'rs. for Pickens re-united for certain purposes.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC WORKS TO DISPOSE OF CERTAIN LANDS BELONGING TO THE STATE. No. 2906.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Superintendent of Public Works be authorized and directed to sell at public auction, to the highest bidder, such lands as are connected with the Public Works, and not necessary thereto, belonging to this State, at such times and places as he may deem fit, giving due notice thereof, by public advertisement; that the said lands be sold in suitable tracts, on a credit of one, two and three years, in equal instalments, with interest from the day of sale; bonds for the Authority, Lands, Terms of Sale, &c.

A. D. 1843.

payment of purchase money to be required, with good and sufficient sureties, and also, a Mortgage of the premises, if deemed advisable : *Provided*, That such Lands situated on the Catawba and Wateree Rivers, as have been granted to citizens of this State prior to the purchase of the charter of the Wateree and Catawba Company by the State, shall be exempt from the operation of this Act.

Titles, delivery, &c.

II. That the Superintendent of Public Works be authorized and directed to execute sufficient title deeds for such lands on the part of the State, to any purchaser at the sales herein directed : *Provided*, That he shall not deliver any such deed to any purchaser of whom a Mortgage is not required, until the payment of the purchase money.

Plats of re-survey.

III. That the said Superintendent cause proper plats of re-survey to be prepared for the information of bidders at the sale, anterior to the day of sale, where in his opinion of the same may be necessary.

To report, and file bonds.

IV. That the said Superintendent report to the Legislature his actings in the premises, and file with the Treasurer of the Division in which such Lands may be situate, bonds by him taken in pursuance of these provisions.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2907. AN ACT TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC WORKS TO CONVEY TO DANIEL McCULLOUGH, ALL THE RIGHT AND TITLE OF THE STATE TO THE MOUNT DEARBORN TRACT OF LAND.

Conditions, &c.

Be it enacted, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Superintendent of Public Works be and he hereby is authorized and required to convey to Daniel McCullough, all the right, title and interest of the State, in a tract of Land called Mount Dearborn, in conformity with the agreement between said Superintendent and said Daniel McCullough ; as soon as said McCullough shall have complied with the terms, and the United States Government shall have made titles to the State for said Tract of Land.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC WORKS TO SELL TO WILSON BARTON A TRACT OF THE STATE'S LAND.

A. D. 1843.

No. 2908.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Superintendent of Public Works be, and he hereby is authorized and required to sell to Wilson Barton, a tract of the State's land lying on both sides of the Salluda Mountain Turnpike Road, and containing 350 acres or thereabouts: The same being the tract whereon the said Wilson Barton has built his improvements. The sale shall be at one dollar per acre, and the Superintendent shall take bonds, secured by mortgage of the land, payable with lawful interest from day of sale, in one, two and three years. And the Superintendent, in making said sale, shall reserve, on both sides of said road, a sufficient strip of land to provide materials for keeping it in good repair. And the Superintendent is hereby authorized and empowered to make good titles to the aforesaid Wilson Barton, on his complying with the terms of sale.

Conditions,
reservation,
and tides.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO CHANGE THE NAME AND STYLE OF THE LOUISVILLE, CINCINNATI AND CHARLESTON RAIL ROAD COMPANY, AND TO PROVIDE FOR UNITING THEREWITH THE SOUTH-CAROLINA CANAL AND RAIL-ROAD COMPANY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

No. 2909.

Whereas, the Stockholders of the Louisville, Cincinnati and Charleston Rail-Road Company have not accepted the provisions of an Act entitled "An Act to unite the South-Carolina Canal and Rail-Road Company and the Louisville Cincinnati and Charleston Rail-Road Company into one Corporation, passed on the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-two. And whereas, also, the said Louisville, Cincinnati and Charleston Rail Road Company have petitioned to have the name and style of the said Company changed to the South-Carolina Rail-Road Company, and for other purposes in the Petition set forth.

Provisions of
Act of 1842,
Petition, &c.

I. *Be it enacted*, by the Senate and House of Representatives now met and sitting in General Assembly, That the name and style of the Louisville, Cincinnati and Charleston Rail-Road Company be and they are hereby changed to the South-Carolina Rail-Road Company, which shall hereafter be the name and style of the said Company.

Name changed
to South-Carolina
R. R. Company.

II. That whenever the written consent of all the Stockholders of the South-Carolina Canal and Rail-Road Company shall have been obtained, the said South-Carolina Canal and Rail-Road Company shall be merged in the said South-Carolina Rail-Road Company, and thereupon and thereafter, all the rights, privileges and property belonging to the said South-Carolina Canal

So. Ca. Canal
and R. R. Co.
to be merged
therein on certain
conditions.

A. D. 1843.

and Rail-Road Company shall be vested in the said South-Carolina Rail-Road Company, and the said South-Carolina Rail-Road Company shall be liable for all the debts and contracts of the said South-Carolina Canal and Rail-Road Company; and the Stock and property of the said South-Carolina Rail-Road Company shall be subject to the same liens and charges to which the Stock and property of the said South-Carolina Canal and Rail-Road Company may be liable, and in the same relative order in which the said liens and charges now stand.

Excepted from certain provisions of Act of 1841; and exception limited.

III. The said South-Carolina Rail-Road Company is hereby excepted from the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporation will hereafter be granted," ratified on the seventeenth day of December, in the year of our Lord, one thousand eight hundred and forty-one. But nothing herein contained shall be construed, as exempting the said Company from the provisions of the said forty-first Section, upon any future grant, renewal or modification of their charter.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*
W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2910. AN ACT TO INCORPORATE A PROVIDENT INSTITUTION FOR SAVINGS IN THE CITY OF CHARLESTON.

Present members, successors, &c.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That John Strohecker, Joseph Johnson, John Schnierle, John Ravenel, George Kinlock, William Patton, William Bell, Otis Mills, William Adger, T. Tupper, O. B. Hillard, John C. Burkmyer, B. J. Howland, J. M. Caldwell, George N. Reynolds, W. C. Dukes, Robert Martin, William Kirkwood, S. P. Ripley, William Gregg, J. J. McCarter, J. W. Caldwell, W. McBurney, H. R. Banks, Albert Elfe, George Thompson, George Just, John Hunter, Samuel Cruikshank, S. S. Howell, J. C. Blum, James A. Hopkins, Charles H. West, William Calder, George B. Locke, W. L. Porter, James Marsh and James Chapman, be and they are hereby created a Corporation by the name and title of "The Provident Institution for Savings in the City of Charleston;" and that they and such others as shall be duly elected members of the said Corporation, as in this Act provided, shall be a body politic and corporate, by the same name and title.

Deposits, their limits, use, &c.

II. *Be it further enacted*, by the authority aforesaid, That the said corporation shall be capable of receiving on deposit, from any person or persons disposed to obtain and enjoy the advantages of said institution, all sums of money that may be offered for that purpose; *Provided*, That it shall not hold at the same time more than five hundred dollars from any one depositor; and it shall be lawful for the said corporation to use and improve the same, for the

purposes, and according to the directions herein mentioned and provided, and each depositor shall receive a book of deposit, in which shall be entered all sums deposited.

A. D. 1843.

How invested,
or loaned.

III. *And be it further enacted*, by the authority aforesaid, That all deposits of money received by the said Corporation may be invested in any public stock created by virtue of any law of this State, or any ordinance of the City of Charleston, or in the capital stock of any Bank within this State, or loaned on promissory notes secured by pledge of such Stocks, at not more than seventy-five per centum of their par value, or on bonds secured by Mortgage of real estate lying and being within the Parishes of St. Philip and St. Michael, in the District of Charleston; and no part of the deposits shall be invested in any other manner, or loaned upon any other securities than those herein mentioned; and the income and profit thereof, shall be applied and divided among the persons making the said deposits, or their legal representatives, after making such reasonable deductions as may be necessary for expenses, in proportion to the sums by them deposited, and to the length of time during which such deposits may have remained in the institution; and the principal of such deposits shall be paid to each depositor at such times, and under such regulations as the said Corporation shall prescribe, the substance of which regulations shall be printed in the book of deposits received by each depositor; and no officer or member of said Corporation shall borrow any portion of such deposits, or use the same, except in payment of the expenses of the Corporation.

Profits, how divided.

Officers, &c.
not to borrow.

IV. *And be it further enacted*, by the authority aforesaid, That the said Corporation shall have power to elect new members by ballot at their semi-annual meetings in January and July, each year; and any member upon filing a written notice with the President thereof, three months prior, may at any such meeting of said Corporation withdraw and forever dissolve his connection with the same.

Elections and
withdrawals.

V. *And be it further enacted*, by the authority aforesaid, That the said Society may have a common seal, which they may change and renew at pleasure; and that all deeds, conveyances and grants, covenants and agreements, made by their Treasurer, or any other person by their authority and direction, according to their institution, shall be good and valid; and the said Corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name and title aforesaid.

Common Seal,
deeds, suits, &c.

VI. *And be it further enacted*, by the authority aforesaid, That the said Society shall hereafter meet at Charleston, some time in the month of January, annually, and as much oftener as they may deem expedient, and any seven members of the said Corporation, the President, Vice President, Treasurer or Secretary, being one, shall be a quorum; and the said Corporation, at their annual meetings in January, shall have power to elect a President, Vice-President, Secretary and Treasurer, and twenty Trustees, all of which said officers shall be sworn to the faithful performance of their duties, and shall hold their offices till others are chosen in their stead.

Meetings, quorum, election of
Officers, &c.

VII. *And be it further enacted*, by the authority aforesaid, That the said Corporation are hereby vested with the power of making Bye-Laws and Regulations for the more orderly managing the business of the Corporation: *Provided*, the same are not repugnant to the Constitution or Laws of this State.

Bye-Laws and
Regulations.

VIII. *And be it further enacted*, by the authority aforesaid, That any two persons herein named may call the first meeting of the Corporation, by advertising it in any two of the daily papers published in the City of Charleston.

Call of first
meeting.

A. D. 1843.

Treasurer's
Bond.Statement of
deposits, invest-
ments, &c. to
be published
annually.Character and
duration of this
Act.

IX. *And be it further enacted*, by the authority aforesaid, That the Treasurer of said Corporation shall give bond to the satisfaction of the Trustees for the faithful discharge of the duties of his office.

X. *And be it further enacted*, by the authority aforesaid, That the Treasurer of said Corporation, shall as soon as may be, after the annual meeting in January, publish in one or more of the daily papers of the City of Charleston, a statement of the concerns of said Corporation, which statement shall specify the following particulars, viz: the number of depositors; total amount of deposits; amount invested in Bank Stock; amount invested in State or City Stock; loans on Mortgages of real estate; loans on notes secured by pledge of Stock; amount of Cash on hand; total dividends for the year; annual expenses of the institution; all which shall be certified and sworn to or affirmed by the Treasurer, and five or more of the Trustees of said Corporation shall also certify that the same is correct, according to the best of their knowledge and belief.

XI. *And be it further enacted*, by the authority aforesaid, That this Act shall be deemed a public Act, and shall continue in force for the term of four-teen years.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2911. AN ACT TO REDUCE THE CAPITAL OF THE CHARLESTON INSURANCE AND TRUST COMPANY.

Authorized to
reduce to
\$500,000, after
1st Jan'y, '45.

\$400,000 to be
invested in
State, City, or
Company
Stocks; &c.

Existing Poli-
cies, &c. to be
discharged, or
changed before
the reduction.
No Agencies
out of the State.
Public notice.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That from and after the first day of January, in the year one thousand eight hundred and forty-five, the Charleston Insurance and Trust Company be and they are hereby authorized to reduce their Capital from one million of dollars to five hundred thousand dollars.

II. That at least four hundred thousand dollars of the Capital of the said Company shall be and continue permanently invested in Stock of this State, or of the City of Charleston, or in any other good Stocks of incorporated Companies within this State; and the Company may transfer and sell said Stocks, or any part thereof, for the purpose of re-investment, whenever a due regard to the safety of their funds may require.

III. That all policies and other obligations of the said Company, outstanding at the date of this Act, shall be discharged or exchanged for new obligations, before the said reduction of the Capital shall take place.

IV. That no agencies to effect insurance of any description whatever, shall hereafter be established by the said Company beyond the limits of this State.

V. That the said Company shall cause a notice of their intention to reduce their Capital Stock, as authorized by this Act, to be inserted in two public

newspapers in the State, twice in each month, until the first day of January, **A. D. 1843.**
in the year one thousand eight hundred and forty-five.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE FORMATION OF A REGIMENT OF ARTILLERY IN No. 2912.

THE PARISHES OF ST. PHILIP AND ST. MICHAEL.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Companies of Artillery in the Parishes of St. Philip and St. Michael shall constitute a Regiment of Artillery of two Battalions, and shall be attached to the Fourth Brigade of Infantry; that the said Battalions shall each consist of not less than two nor more than three Companies; and the said Regiment of Artillery shall have all the officers, field and staff, commissioned and non-commissioned, now authorized by law for a Regiment of Infantry, and the said officers shall be elected or appointed in the same manner as officers of the same grade are now by law elected or appointed in Regiments of Infantry: *Provided*, That no person in the Cavalry or Infantry shall be eligible to office, or entitled to vote for any officer in the said Regiment of Artillery, and no person in the said Regiment of Artillery shall be eligible to office, or entitled to vote for any officer in any Regiment of Cavalry or Infantry.

Companies,
Battalions,
Staff, Officers,
eligibility, &c.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO AUTHORIZE THE FORMATION OF A NEW VOLUNTEER COMPANY No. 2918.

WITHIN THE LIMITS OF THE 23RD REGIMENT OF INFANTRY.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the Adjutant and Inspector General be authorized and empowered to inspect and receive into the Twenty-third Regiment of Infantry, a new Volunteer Company, to be called "The Governor's Guards," upon their conforming to the requisitions of the law in relation to the reception of new Volunteer Companies.

The Adj. and
Insp'r. Genl. to
inspect and re-
ceive "The Go-
vernor's
Guards:" &c.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1943.
 No. 2914.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE THE SALE OF THE REAL ESTATE OF ALEXANDER DOWNER, DECEASED, AND FOR OTHER PURPOSES."

The Governor
 to fill vacan-
 cies.

1. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to authorize the sale of the real estate of Alexander Downer, deceased, and for other purposes," ratified on the nineteenth day of December, in the year of our Lord one thousand eight hundred and thirty-eight, be and the same is hereby amended as follows, that is to say: that upon the death, resignation, removal from the District of Edgefield, or refusal to serve, of any person appointed a Commissioner for the administration of the Downer Fund, pursuant to the provisions of the Act aforesaid, the Governor be authorized and required, from time to time, to fill the vacancy so occurring, by the appointment of another Commissioner, so that there may at all times be a Board of three Commissioners, for the administration of the said fund, in conformity to the last will and testament of the said Alexander Downer, deceased; and that the said Board of Commissioners, and their successors in office, be invested with all the powers and authorities conferred by the Act aforesaid, and that they be and are hereby further authorized and empowered, out of the proceeds of the sale of the real estate of the said Alexander Downer deceased, by the said Act directed to be made, to purchase a suitable tract of land, whereon to erect a school-house, conformably to the directions of the said Act: *Provided*, That the price of the tract of land so to be purchased, shall not exceed the sum derived from the proceeds of the sale aforesaid of the real estate of the said Alexander Downer, deceased.

Powers of the
 Commissioners

Land for
 School-house.
 Price thereof.

Disbursements.
 Treasurer: his
 appointment,
 bond, &c.

II. That the disbursements of the said fund, conformably to the last will and testament of the said Alexander Downer, deceased, shall be made under the supervision and direction of the said Commissioners, by a Treasurer, to be by them appointed for that purpose, and removable at their pleasure; which said Treasurer shall, before he enters upon the duties of his appointment, execute a bond to the Commissioner in Equity for the District of Edgefield, with good and sufficient sureties, to be approved by the said Commissioner in Equity, in the penalty of thirty five thousand dollars, with condition for the faithful performance of the duties of such Treasurer, and the administration of the fund, and to account to the said Commissioner in Equity for all moneys, bonds, notes, and other choses in action, estate or effects, appertaining to the said funds, which may come into his hands, power, possession or control, as such Treasurer; and upon the appointment of such Treasurer, and the execution of such bond, as aforesaid, the said Commissioner in Equity shall transfer and deliver to the said Treasurer, all moneys, bonds, notes, and other choses in action, estate, and effects, in his hands, appertaining to the said fund; and the said Treasurer shall collect all debts due to the said fund, and reinvest the principal sums thereof, under the supervision and direction of the said Board of Commissioners; but no loan of any part of the said fund shall be made for a longer period than two years, and the interest of all loans shall be payable annually, or at shorter intervals, it the said Board of Commissioners shall deem it necessary or expedient.

Com. in Equity
 to transfer all
 moneys, &c.

Treasurer to
 report annually.

III. That the said Treasurer shall annually render to the said Commissioner in Equity, an account of his receipts and expenditures for and on account of the said fund, and of the state and condition of the said fund in his hands;

which said account shall be certified by the Board of Commissioners, and after being audited and examined by the said Commissioner in Equity, shall be submitted by him to the Court of Equity, at its next succeeding sitting in the said District; and the said Court shall make such order thereon as may be deemed necessary or expedient; and the said Treasurer shall receive, for his services in the administration and management of the said fund, such compensation as may be agreed upon by the said Board of Commissioners: *Provided*, That the same shall not exceed five *per centum* of the annual interest or income of the said fund, which may be received and disbursed by him. A. D. 1843.
Order thereon
by Court.
Treasurer's
compensation.

IV. That the Commissioners shall not, in any one year, expend more than the nett annual income arising from the fund entrusted to their management, and that all the loans of said fund hereby authorized, shall be on the security of real estate, in addition to personal security. Expenditures;
and securities
on Loans.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO INCORPORATE THE VILLAGE OF WALTERBOROUGH, AND FOR OTHER PURPOSES THEREIN MENTIONED. No. 2915.

I. *Be it enacted*, by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all persons, citizens of the United States, now owning dwelling houses in the Village of Walterborough, or those that may hereafter own dwelling houses therein, or occupying under lease, during the season that persons resort thither for health, a dwelling house, shall be deemed and are hereby declared to be a body politic and corporate; and that the said Village shall be called and known by the name of Walterborough, and be deemed corporate. Persons consti-
tuting the Vil-
lage.

II. The said Village shall be governed by an Intendant and six Wardens; and those persons who have lately been elected to the said offices of the said corporation shall continue therein until the third Monday of September next, on which day as well as on the third Monday of September in every year thereafter, an election shall be held for an Intendant and six Wardens, (who shall always be free-holders within the limits of said Village,) at such place as the Intendant and Wardens shall designate, ten days notice being previously given. And all free male white inhabitants of the age of twenty-one years, of the said Village, and who have resided therein three months previous to the election, shall be entitled to ballot for the said Intendant and Wardens: the election to be held from 9 o'clock in the morning until 2 o'clock in the afternoon, and when the Poll shall be closed the managers shall proclaim the said election, and give notice in writing to the persons elected: And the Intendant and Wardens of said Village for the time being shall always appoint the managers, three in number, for the ensuing elections. The Intendant and Intendant and
Wardens; their
term of office
and elections.
Electors.
Managers.

- A. D. 1843.** **Oaths.** Wardens before entering upon the duties of their offices, shall take the oath prescribed by the Constitution of the State as amended in 1834, and take the following oath, viz: "As Intendant (or Warden) of Walterborough I will equally and impartially, to the best of my skill and ability, exercise the trust reposed in me, and will use my best endeavors to preserve the peace, and carry into effect, according to law, the purposes for which I have been appointed. So help me God."
- Vacancies.** III. In case a vacancy should occur in the office of Intendant or any of the Wardens, by death, resignation, removal from office, or absence from the State, an election to fill such vacancy shall be held by appointment of the Intendant and Wardens, or the Wardens, as the case may be, ten days previous notice being given; and in case of the sickness or temporary absence of the Intendant, the Wardens forming a Council shall be empowered to elect one of the Wardens to act in his room during the time.
- Powers and jurisdiction of Intendant and Wardens.** IV. The Intendant and Wardens duly elected, and having been qualified, shall, during their term of service, respectively be vested with all the powers of a Magistrate of this State, and their immediate jurisdiction as conservators of the peace, shall extend three quarters of a mile in every direction, from the place where the Library House now stands. The Intendant shall and may, as often as occasion may require, summon the Wardens to meet him in Council, any three of whom, with the Intendant, may constitute a quorum to transact business, and they shall be known by the name of "The Town Council of Walterborough;" and they, and their successors hereafter to be elected, may have a common seal, and they shall have full power and authority to constitute and appoint from time to time, such and so many proper persons, to act as Constables within their jurisdiction, according to law, as they shall find expedient and proper; which Constables shall have all the powers and privileges, and be subject to all the duties and regulations appointed by the laws of this State, for the said office of Constables. The Intendant and Wardens shall have full powers, under their corporate seal, to make and establish all such rules, Bye-laws and Ordinances, respecting the Streets, Ways, Markets and Police of the said Village, as shall appear to them necessary, and requisite for the security, welfare and convenience of the said Village, or for preserving health, peace, order and good government within the same; and the said Council may affix fines, for offences against their Bye-laws, all such fines to be levied within nine months after their imposition, or otherwise to be null and void; and appropriate the same to the public uses of the Corporation: but no fine shall exceed fifty dollars for any one offence; which fines, when they exceed twenty dollars, may be recovered in the Court of Common Pleas for Colleton District, and when of or under the sum of twenty dollars, before the said Intendant and Wardens, or any two of them. The said Town Council may assess a Tax upon all property, real and personal, (and also, upon all Free Negroes, Mulattoes, and Mustizoes in the said Corporation, between the ages of fifteen and fifty years,) in the said Corporation, between the first day of May and the first day of November, in each and every year: *Provided*, That the said Council shall not in any one year raise by assessment, a sum exceeding one hundred and fifty dollars, and that the amount so assessed, shall be applied strictly to the public uses of the said Corporation: *Provided, also*, That nothing herein contained shall authorize the said Council to make any Bye-laws inconsistent with or repugnant to the laws of the land, and that all the Bye-laws and
- Meetings.**
- Seal.**
- Constables.**
- Rules and ordinances.**
- Fines.**
- Taxes.**
- Bye-laws, &c**

Ordinances they may make, shall at all times be subject to the revisal or repeal of the Legislature. A. D. 1843.

V. The said Intendant and Wardens, shall have full power to abate and remove nuisances in said limits, and to classify and arrange the inhabitants liable to do Patrol duty, and to require them to perform such duty as often as occasion may require, and to enforce the performance thereof, under the same penalties as are now established by law; and the said Intendant and Wardens, or any one of them, upon view thereof, or complaint lodged, are hereby required to issue warrants against all offenders, and cause them to be brought before them, and upon due examination shall either release, admit to bail if the offence be bailable, or commit to jail, such offenders as the case may require; and the Sheriff of Colleton District is hereby enjoined to receive and keep the persons so committed, until discharged by due course of law; and the said Intendant or Wardens may, collectively or severally, take recognizance in all criminal cases, upon the terms, and in the manner as Magistrates are required to do by law. Nuisances.
Patrol duty.
Offenders.
Sheriff of Colleton.
Recognizance.

VI. The said Intendant and Wardens shall have the full and only power of granting licenses for Billiard Tables, to keep Taverns, or retail spirituous liquors within the said limits; which licenses shall be granted in the same manner and upon the same conditions as they are now granted by Commissioners of Roads, under the laws of this State; and all the powers vested in Commissioners of Roads, are hereby granted to the said Intendant and Wardens within the said limits; and all moneys paid for licenses, fines and forfeitures, for retailing spirituous liquors, keeping Taverns and Billiard Tables, within the said limits, shall be paid to, and applied by the said Intendant and Wardens to the public uses of the said Corporation. Licences.
Powers of Commissioners, of Roads.
Moneys.

VII. The said Intendant and Wardens shall have full power and authority to compound with persons liable to work on the Roads in such limits, and to release such persons as may desire to be released therefrom, upon the payment of such annual sum to the said Intendant and Wardens as may be deemed by them a fair equivalent therefor, to be applied to the service and uses of the said Corporation; and no person residing in the said limits five months in the year, shall be liable to work on any Road without the said limits, or to be taxed or assessed for the same, but shall perform road duty within the limits of the said Corporation. Road duty; commutation thereof, &c.

VIII. This Act shall be a public Act, and continue in force for fourteen years, and from thence until the adjournment of the next Session of the Legislature. Duration, &c. of this Act.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843.

No. 2916.

AN ACT TO VEST THE COLUMBIA CANAL IN FREDERICK WILLIAM GREEN FOR
THE TERM OF TWENTY-ONE YEARS.

Investment,
term, tolls, &c.Boating order
in one year.
Outlet or waste-
way.

Cleaning out.

Privileges of
and owners.State may re-
sume control,
on payment,
&c.Account of ex-
penses.Certificate of
Sup. Public
Works, &c.Canal to revert
to State if aban-
doned or neg-
lected.

Use of wharves.

I. *Be it enacted*, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the part of the Columbia Canal from Bull Sluice to the lower end of the lot belonging to the Estate of William Briggs, be and it hereby is vested in Frederick William Green, his heirs and assigns, for the term of twenty-one years, with authority to exact and receive tolls thereon, according to the rates established by law: *Provided*, said Frederick William Green repairs the said Canal and puts it in good boating order, in the course of one year from and after the passing of this Act: and *Provided*, said Frederick William Green or his assigns, cause an outlet or wasteway to be at all times kept open, at the lower end of said Canal, in such manner as to prevent the possibility of stagnation in the waters thereof: and *Provided* also, that the Canal shall be thoroughly cleaned out between the 1st of November and the 1st of May of each year, by the grantee, F. W. Green: *Provided*, also, That any owner of any lands or lot situated on said Canal, below the point fixed in the first part of this Section, may at any time extend the said Canal further to any point within his, her, or their land or lots, which may be on the line of the said Canal, upon paying to the said Frederick William Green, or his assigns, such part of the cost of putting said Canal in repair, as may be in a fair proportion with the said Frederick William Green, to the advantages he she or they may gain by such extension; in which advantages shall not be included any privilege to which he she or they may be entitled under any contract with the State or the Superintendent of Public Works.

II. That the State may at any time within said term of twenty-one years, resume its control over said Canal, and defeat the lease hereby granted: *Provided*, That all the moneys laid out by the said Frederick William Green, or such others as may avail themselves of the provisions of the proviso to the first section of this Act, shall be repaid to him or them respectively; upon condition, however, that he or they respectively, shall keep a true account of the same, and give a copy thereof to the Superintendent of Public Works, for each House of the Legislature, with the vouchers to sustain the same, to be reported by him at the next Session thereafter for their approval or disapproval; and that there be annexed to the said accounts also the certified opinion of the said Superintendent, that the said moneys so paid, were expended in good faith for such repairs as will be for the public interest, in case said Canal shall at any future time be resumed by the State, and that the prices paid and charged were reasonable and fair; and provided, also, that no other person shall use or enjoy any of the privileges of said Canal without paying a fair proportion of the expense, as provided above. And if the said Frederick William Green, or his assigns, shall at any time abandon said Canal, or the use of it, for a period of one year, or suffer the water therein to become stagnant for any length of time whatever, then the rights and benefits hereby conferred upon said Frederick William Green, his heirs and assigns, shall revert to the State.

III. That the said Frederick William Green shall have exclusive use of the wharves connected with said Canal, for the landing of goods, merchandize and produce, during the period for which he shall hold said Canal, under the lease hereby granted: *Provided*, That those who may extend the same under the proviso in the 1st Section, shall have the use of such wharves as may be on their lands, in the same manner as is granted to said F. W. Green.

IV. That it shall be the duty of the Superintendent of Public Works to take care that all the terms and conditions imposed upon the Lessee by this Act, be duly complied with and fulfilled, and report to the General Assembly, all deviations therefrom. A. D. 1843
Duty of Sup.
Public Works

V. That the several persons who owned lands or lots on the line of said Canal, and who ceded or conveyed the right of way for the same to the State, with a view to its construction and use, and their assigns respectively, whose property, by reason of the discontinuance of the use of said Canal, is thereby left open to intrusion, shall be and they are hereby respectively authorized and empowered to fence in the parts of said Canal, tow paths and lands belonging to it, to take possession and keep the lock-house, and to use the same until the State shall otherwise direct: Provided; the State may at any time, and for any purpose, resume the same, or otherwise dispose of them as it may see fit. Land and lo
owners auth
to fence in pa
of Canal.

VI. That any person interested therein may cause to be erected across the said Canal, a bridge leading to the present landing place for cotton at the river, in a line with the upper boundary street of Columbia; provided, that the bridge so to be erected, shall be of the same height above the Canal, as the bridge which now crosses the Canal, just opposite the Columbia Bridge: Bridge autho
ized.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO VEST IN REBECCA BURDELL AND HER CHILDREN THE RIGHT OF THE STATE TO THE ESCHEATED PROPERTY OF CHARLES ELLIS. No. 2917.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right and title of this State, to the property real and personal of the late Charles Ellis, be vested in Jacob Higgins, in trust for Rebecca Burdell, the wife of W. G. Burdell, during her life, for her sole and separate use, free from the debts, contracts, or control of her present or any future husband; and after her death, in trust for her children, Sarah S. Burdell, John Burdell, Rebecca Burdell, Martha E. Burdell, Caroline Burdell, William Burdell, Joseph Burdell and Benjamin Burdell, as tenants in common: *Provided*, nevertheless, that the said Trustee shall pay to the Trustees of the Academy of Columbia, a sum not exceeding the sum of three thousand three hundred dollars, out of the nett proceeds of the said estate: And provided, also, that the estate thus vested in the said Trustee, shall, after paying the said sum of three thousand three hundred dollars, be subject and liable to the claims of the Administrator of Charles Ellis, against W. G. Burdell, for purchases made by him at the Administrator's sales of the said estate. Investment fo
R. Burdell.

And her chil
dren.

Payment to
Columbia Ac
demy.

Liability to
Adm'r. of Ch
Ellis.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

A. D. 1843.

No. 2918.

State's interest
in Estate of
Emsly Beale.

AN ACT TO VEST IN MARY WOLF THE RIGHT TO CERTAIN PROPERTY.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title, and interest of the State already accrued, or hereafter likely to accrue, in and to the personal estate of Emsly Beale, deceased, late of Abbeville District, be and the same is hereby vested in and transferred to Mary Wolf, the mother of the deceased.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2919. AN ACT TO VEST IN THE ADMINISTRATOR OF JOHN YOUNG, THE INTEREST OF THE STATE IN CERTAIN REAL ESTATE, AND FOR OTHER PURPOSES.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right and interest of the State in a lot of land and buildings thereon, in the village of Monticello, in the District of Fairfield, purchased and possessed in common, by one Ephraim Morris and the said John Young, an alien, since deceased, be vested in the administrator of the said John Young; in trust, that he may sell the interest hereby released in the said lot of land and buildings, and from the proceeds thereof pay the debts of the said John Young; and if any surplus remain, after paying the said debts, in trust, that he pay such balance into the State Treasury. And the Bond of the administrator shall be extended, so as to include within the condition thereof, the application of the proceeds of the sale hereby directed.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

No. 2920. AN ACT TO VEST THE REAL ESTATE OF EHLEH H. OSTERHOLTZ IN JOHN D. W. SCHRODER.

Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That all the right, title, interest and claim, which the State may have in the Real Estate whereof Ehler H. Osterholtz, late of Charleston, deceased, was seized and possessed, be vested in John D. W. Schroder, his heirs and assigns, forever.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*

AN ACT TO PERMIT ANDREW O'BRIEN, AN ALIEN, TO APPLY FOR ADMISSION
TO PRACTICE IN THE COURTS OF LAW AND EQUITY IN THIS STATE.

A.D. 1843.

No. 9221.

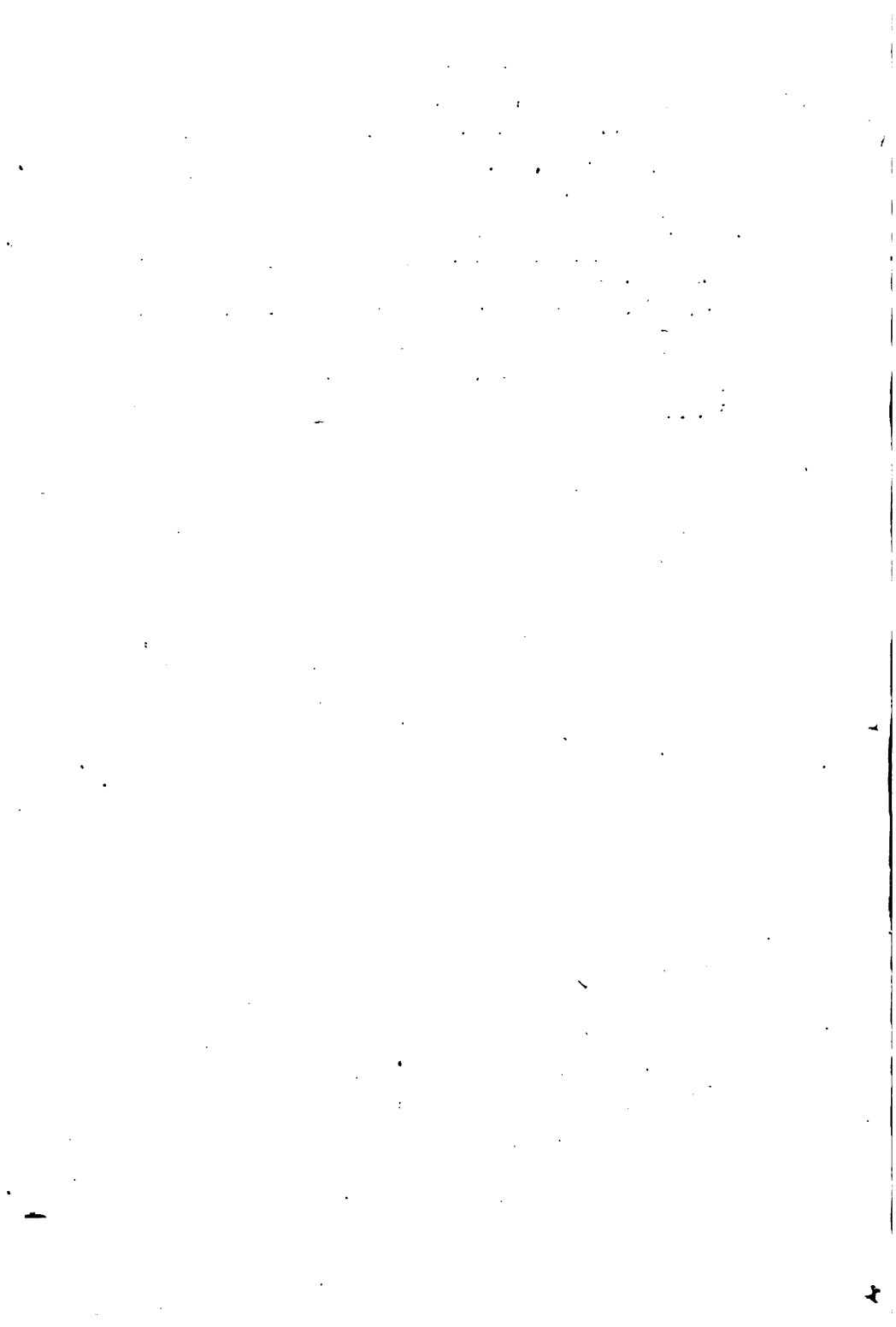
Be it enacted, by the Senate and House of Representatives, now met and sitting in General Assembly, That it may be lawful for Andrew O'Brien, who has signified his intention to become a citizen of the United States, to be admitted to practice in the Courts of Law and Equity, on the same conditions as are required of a citizen of this State, and upon his taking the oath of allegiance to this State.

Conditions of
admission.

In the Senate House, the nineteenth day of December, in the year of our Lord, one thousand eight hundred and forty-three, and in the sixty-eighth year of the Sovereignty and Independence of the United States of America.

ANGUS PATTERSON, *President of the Senate.*

W. F. COLCOCK, *Speaker of the House of Representatives.*



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